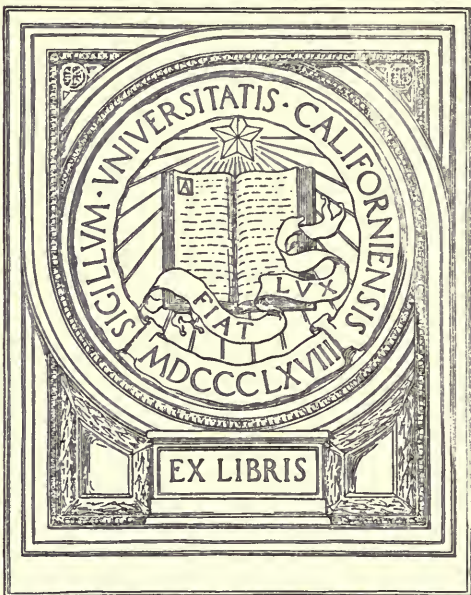




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THE  
HISTORY  
OF THE  
UNITED STATES OF NORTH AMERICA.

VOL. II.



THE  
HISTORY  
OF  
THE UNITED STATES  
OF  
NORTH AMERICA,  
FROM THE  
PLANTATION OF THE BRITISH COLONIES  
TILL  
THEIR ASSUMPTION OF NATIONAL INDEPENDENCE.

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BY JAMES GRAHAME, LL. D.

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UNIV. OF CALIFORNIA  
IN FOUR VOLUMES.

VOL. II.

SECOND EDITION, ENLARGED AND AMENDED.

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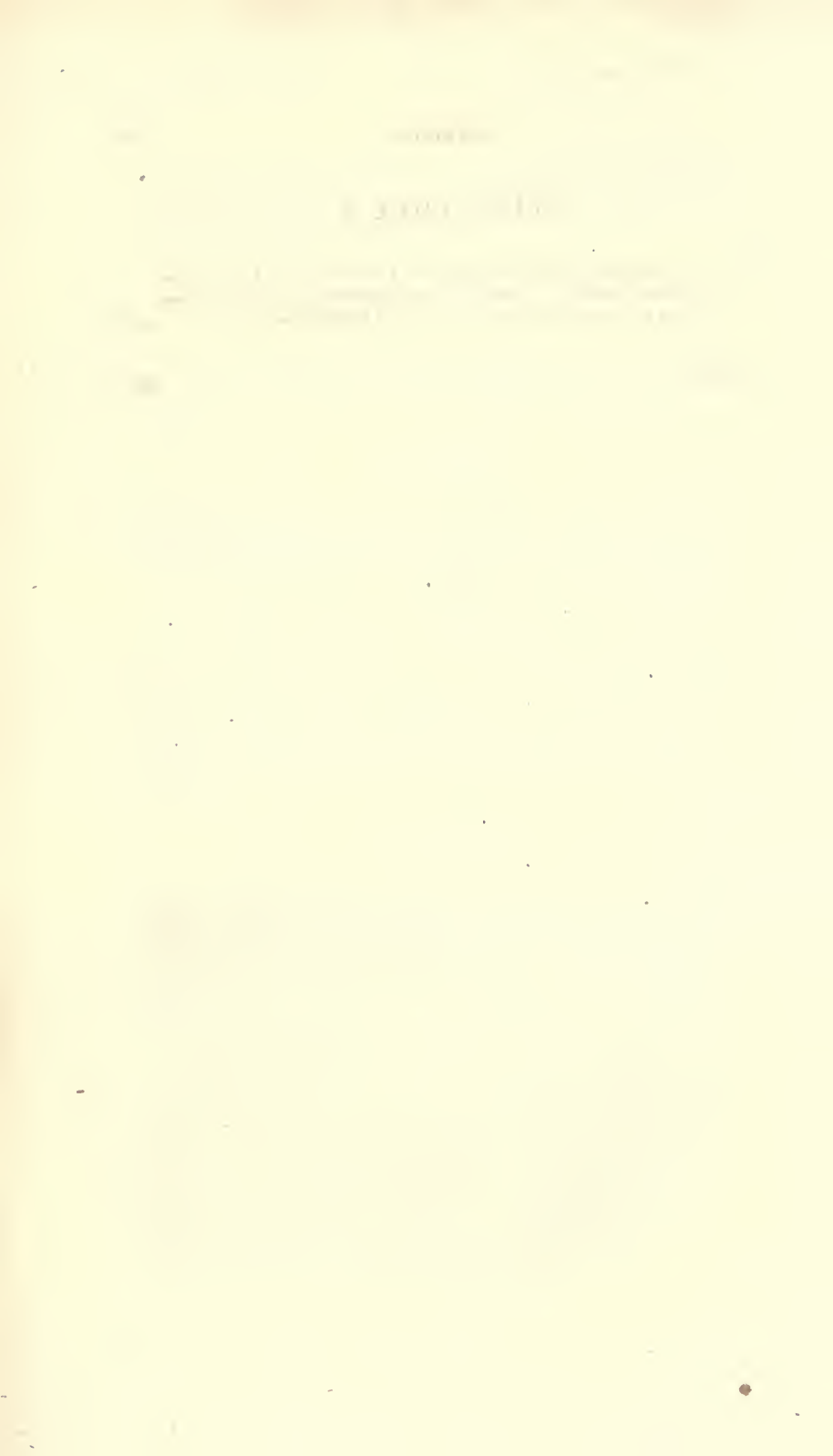
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VOL. II.

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# BOOK III.

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PLANTATION AND PROGRESS

OF

MARYLAND,

TILL THE CLOSE OF THE

SEVENTEENTH CENTURY.





THE

# HISTORY

OF

## NORTH AMERICA.

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### BOOK III.

#### MARYLAND.

Charter of Maryland obtained from Charles the First by Lord Baltimore. — Condition of the Roman Catholics in England. — Emigration of Roman Catholics to the Province. — Friendly Treaty with the Indians. — Generosity of Lord Baltimore. — Opposition and Intrigues of Clayborne. — First Assembly of Maryland. — Representative Government established. — Early Introduction of Negro Slavery. — An Indian War. — Clayborne's Rebellion. — Religious Toleration established in the Colony. — Separate Establishment of the House of Burgesses. — Clayborne declares for Cromwell — and usurps the Administration. — Toleration abolished. — Distractions of the Colony — terminated by the Restoration. — Establishment of a provincial Mint. — Happy State of the Colony. — Naturalization Acts. — Death of the first Proprietary. — Wise Government of his Son and Successor. — Law against importing Felons. — Establishment of the Church of England suggested. — Dismemberment of the Delaware Territory from Maryland. — Arbitrary Projects of James the Second. — Rumor of a Popish Plot. — A Protestant Association is formed — and usurps the Administration. — The Proprietary Government suspended by King William. — Establishment of the Church of England, and Persecution of the Catholics. — State of the Province — Manners — Laws.

FROM the history of Massachusetts, and of the other New England States, which were the offspring of its colonization, our inquiry is now transferred to the origin and early progress of a colony which arose from the plantation of Virginia. In relating the history of this province, we had occasion to notice, among other circumstances that disquieted its inhabitants during the administration of Sir John Harvey, the arbitrary grants, obtained by certain courtiers from the crown, of large tracts of territory situated within its chartered limits. The most

remarkable of these was the grant of Maryland to Lord Baltimore.

Sir George Calvert, afterwards Lord Baltimore, was secretary of state to King James the First, and one of the original members of the Virginian Company. Conceiving a high opinion of the value of landed property in America, and foreseeing the improvement it must derive from the progress of colonization, he employed his political influence to secure an endowment of it to himself and his family. He was a strenuous assertor of the supremacy of that authority from the exercise of which he expected his own enrichment; and when a bill was introduced into the House of Commons for rendering the Newfoundland fishery free to all British subjects [1620], he opposed it, on the plea, that the American territory, having been acquired by conquest, was subject exclusively to the control of the royal prerogative. The first grant that he succeeded in obtaining was of a district in Newfoundland which he named Avalon, and where, at a considerable expense, he formed the settlement of Ferryland<sup>1</sup> [1622]; but finding his expectations disappointed by the soil and climate of this inhospitable region, he paid a visit to Virginia, for the purpose of ascertaining if some part of its territorial resources might not be rendered more subservient to his advantage. [1628.] But he had now embraced and professed the tenets of the church of Rome; and the officers of the Virginian government, whether from jealousy of his territorial views, or from a conscientious regard to their own duty, compelled him after a short stay to abandon the province, by insisting on their right to administer to him *the oath of supremacy*.<sup>2</sup> This proceeding, however, had no other effect

<sup>1</sup> His colonial policy is thus contrasted by an old writer with that of Chief Justice Popham, the promoter of the first attempts to colonize New England: "Judge Popham and Sir George Calvert agreed not more unanimously in the public design of planting, than they differed in the private way of it. The first was for extirpating heathens; the second for converting them. He sent away the lowdest; this the soberest people. The one was for present profit; the other for a reasonable expectation. . . . The first set up a common stock, out of which the people should be provided by proportions; the second left every one to provide for himself." Lloyd's *State Worthies*.

<sup>2</sup> The formula of the oath of supremacy then in use (prescribed by Stat. 1 Eliz., cap. 1, § 19) declared the king governor of all his dominions and countries, "as well in all spiritual or ecclesiastical things or causes as temporal." Lord Baltimore, though an Englishman by birth, was a peer of Ireland, and doubtless knew that Pope Urban the Eighth had but a few years before ad-

than to prompt him to consummate his purpose, and pursue the very encroachment which it is probable that the Virginians apprehended. His visit to the province inspired him with a predilection for its soil and climate ; and the treatment he received from the provincial authorities, if it did not originally suggest, at least confirmed, his design of procuring a grant that would render him independent of their jurisdiction. Observing that the Virginians had not yet formed any settlements to the northward of the river Potomac, he resolved to apply for a royal donative of territory in that quarter ; and easily prevailed with Charles the first to bestow on him the investiture he solicited. With the intention of promoting the aggrandizement of his own family he combined the more generous project of founding a new commonwealth and colonizing it with the persecuted votaries of the church of Rome. But the design to which he had paved the way by an act of injustice he was not permitted himself to accomplish. His project, which was interrupted by his death, just when every preparation was made for carrying it into effect, was resumed by his son and successor, Cecilius, Lord Baltimore, in whose favor the king completed the charter that had been destined for his father.<sup>1</sup> [June, 1632.]

If the charter which shortly before was obtained from Charles by the Puritan colonists of Massachusetts may be regarded as the exercise of policy, the investiture which he now bestowed on Lord Baltimore was not less manifestly the expression of favor. This nobleman, like his father, was a Roman Catholic ; and his avowed purpose was to people his territory with colonists of the same persuasion and erect an asylum in North America for the Catholic faith. By the charter which he received, it was declared that the grantee was actuated by a laudable zeal for extending the Christian religion and the territory of the British empire ; and the district assigned to him and his heirs and successors was described as “ that region bounded by a line drawn from Wat-

dressed a bull to the Irish Catholics, charging them “ rather to lose their lives, than to take that wicked and pestilent oath of supremacy, whereby the sceptre of the Catholic church was wrested from the hand of the vicar of God Almighty.” Leland’s *History of Ireland*.

<sup>1</sup> Chalmers. Bozman’s *History of Maryland*.



kins's Point of Chesapeake Bay ; thence to that part of the estuary of Delaware on the north which lies under the fortieth degree, where New England is terminated ; thence in a right line, by the degree aforesaid, to the meridian of the fountain of Potomac ; thence following its course by the farther bank to its confluence." In compliment to the queen, the province thus bestowed on a nobleman of the same faith with her Majesty was denominated Maryland ; and in compliment, perhaps, to her Majesty's creed, the endowment was accompanied with immunities more ample than any of the other colonial establishments possessed. The new province was declared to be separated from Virginia, and no longer subordinate to any other colony, but immediately subject to the crown of England, and dependent thereon for ever. Lord Baltimore was created the absolute *proprietary* of it, saving the allegiance and sovereign dominion due to the crown. He was empowered, with the assent of the freemen or their delegates, whom he was required to assemble for this purpose, to make laws for the province, not repugnant to the jurisprudence of England ; and the acts of the assembly he was authorized to execute. For the population of the new colony, license was given to all his Majesty's subjects to transport themselves thither ; and the emigrants and their posterity were declared to be liegemen of the king and his successors, and entitled to the same liberties as native-born Englishmen. The proprietary was authorized, with the consent of the people, to impose all just and proper subsidies, which were declared to pertain to himself for ever ; and it was covenanted on the part of the king, that neither he nor his successors should at any time impose, or cause to be imposed, any tallages on the colonists, or on their goods, tenements, or commodities. Thus was conferred on Maryland, in perpetuity, the same fiscal benefit which had been granted to other colonies for a term of years. The territory was erected into a palatinate ; and the proprietary was invested with the same royal rights which were enjoyed by the palatine Bishop of Durham ; and authorized to appoint provincial officers, to repel invasions, and to suppress rebellions. The advowsons of all churches, which should be established in conformity with the ecclesiastical constitutions of England, were granted to him.

The charter finally provided, that, if any doubt should ever arise concerning its true meaning, the interpretation most favorable to the proprietary should always be adopted ; excluding, however, any construction derogatory to the Christian religion or to the allegiance due to the crown.<sup>1</sup>

Though the sovereignty of the crown was thus reserved over the province, and a conformity enjoined between its legislation and the jurisprudence of England, no means were provided for the exercise of the royal dominion or the ascertainment of the stipulated conformity. The charter contained no definition of the method or occasions of royal interference in the municipal administration, and no obligation on the proprietary to transmit the acts of assembly for confirmation or annulment by the king. In erecting the province into a palatinate, and vesting the hereditary government of it in the family of Lord Baltimore, the king exercised the highest attributes of the prerogative of a feudal sovereign. A similar trait of feudal prerogative appears in the perpetual exemption from royal taxation which was assured to the colonists by the charter, and which, at a later period, gave rise to much intricate and elaborate controversy. It was maintained, when this provision became the subject of critical comment, that it ought not to be construed to import an exemption from parliamentary taxation, since the king could not be supposed to intend to abridge the jurisdiction of the parliament, or to renounce a privilege that was not his own ;<sup>2</sup> and that, even if such construction had been intended, the immunity was illegal, and incapable of restraining the functions of the British legislature. In addition to the general reasoning that was employed to demonstrate this illegality, reference was made to the authority of a parliamentary transaction related by Sir Edward Coke, who, in a debate on the royal prerogative in the year 1620, assured the Commons that a dispensation from subsidies, granted to certain individuals within the realm in the reign of Henry the Seventh,

<sup>1</sup> *Laws of Maryland.* Hazard.

<sup>2</sup> Yet, at an after period, it was considered by English lawyers that an exclusion of parliamentary taxation, whether effectually constituted, would be at least imported, by such a clause ; and in the Pennsylvania charter, when an exemption from customs was conceded, it was qualified by an express reservation of the authority of the English parliament.

had been subsequently repealed by act of parliament. But even if this authority could be reinforced by supposing that every act of parliament which introduced a particular ordinance was also declaratory of the general law in all similar cases, the application of it to the charter of Maryland might, nevertheless, very fairly be questioned. Colonies, at the time of which we treat, were regarded entirely as dependencies on the monarchical branch of the government ; the rule of their governance was the royal prerogative, except where this authority was specially limited or excluded by the terms of a royal charter ; and the same power that gave a political being to the colony was considered adequate to determine the political privileges of its inhabitants. The colonists of Maryland undoubtedly conceived that their charter bestowed on them an exemption from all taxes but such as should be imposed by their own provincial assembly ; for it discharged them for ever from the taxation of the only other organ of power that was deemed competent to exercise this authority over them. Not the least remarkable peculiarity of this charter is, that it affords the first example of the dismemberment of an established colony, and the creation of a new one within its original limits, by the mere act of the crown.

Lord Baltimore, having thus obtained the charter of Maryland, hastened to execute the design of colonizing the new province, of which he appointed his brother, Leonard Calvert, to be governor. Of a ready resort of inhabitants to his domain, and especially of persons, who, like himself, professed the faith of the church of Rome, the state of England at that period encouraged a reasonable expectation. The Roman Catholic inhabitants of this kingdom had been for many years the objects of increasing dread and antipathy to all other classes of their fellow-subjects, and had experienced from the English government a progressive severity of persecution. All the indulgence which the first proceedings of Queen Elizabeth seemed to betoken to them was defeated by the sentence of excommunication and deposition fulminated against herself by the head of the Catholic church, and by the repeated attempts of some of her own subjects, who were votaries of this church, to effectuate the papal sentence by revolt and assassination ;



and, notwithstanding the generous ardor displayed by the more respectable portion of the English Catholics in defending her against the armada of Spain, which was expected to restore the preëminence of their church, the progress of her reign was distinguished by the enactment of a series of vindictive and rigorous laws against a faith which was believed by her Protestant subjects to menace her with unappeasable hatred and continual danger. The accession of the House of Stuart to the English throne produced no less disappointment to the Catholics than to the Puritans of England. The favor which the Catholics expected from the birth and the character of James the First was intercepted by the necessity of his situation ; while the hopes that the Puritans derived from his early education and habits were frustrated by the flattery of their Protestant adversaries, and his unexpected display of rancor and aversion toward themselves. In the particular history of New England, we have had occasion to consider the treatment which the Puritans experienced from this prince. To the application which he received from the Catholics, on his accession to the crown, his answer was, that he reckoned himself obliged to support the system which he found established in the kingdom ; and, though he was compelled to maintain and even enlarge the code of legal severity to which they were subjected, he frequently interposed to mitigate the actual infliction of its rigor, by the exercise of his royal prerogative.

The tenets of the Puritans and the Catholics could hardly differ more widely than the conduct which ensued on the disappointment of their respective expectations. The Catholics, whose hopes had been the most chimerical, and who plainly perceived the indulgence which the king entertained, and would willingly have demonstrated more unreservedly to them, were at first transported with indignation and stimulated to revenge ; while the Puritans, whose hopes had been more reasonable, and whose experience of the actual regards of their sovereign was more fraught with substantial disappointment, expressed much less resentment than regret. It was long before the Puritans were provoked to resistance and civil war ; and emigration was the earliest remedial measure to which the more zealous of their number had recourse. The sentiments that



were at first excited in the zealots of the Catholic persuasion were of a very different complexion ; and one of the earliest measures which they embraced was the atrocious contrivance of the *Gunpowder Plot*. The detection of that horrid enterprise, though it was unable to extinguish the king's partiality to the Catholics, rendered this sentiment much less available than it might otherwise have proved for the relief of their sufferings. New statutes of persecution were enacted by the parliament against the Catholics ; and new disabilities, restraints, penalties, and forfeitures were inflicted on the whole Catholic body, for an action which truly indicated only the extravagant zeal and criminal rage of a few of its most intemperate members. The assassination of Henry the Fourth, of France, which occurred not long afterwards, increased the antipathy of all classes of English Protestants against the Catholics, and, leading James to believe that nothing short of an entire devotion to the church of Rome could enable him securely to associate with its votaries, prompted him, from an increased apprehension of personal danger, to employ more than once his royal proclamations to quicken, instead of restraining, the execution of the penal laws. And although the deliberate sentiments both of this monarch and his successor were averse to the infliction of the extreme of legal rigor on the Catholics, yet to discerning eyes the advantage of this circumstance was more than counterbalanced by the increasing influence of the Puritans in the English House of Commons, and the increasing propagation of Puritan sentiments in the minds of the English people.

Thus exposed to molestation from the existing authorities in England, and apprehending still greater severity from the predominance of a party gradually advancing in strength and hardening in sternness of spirit, many of the Catholics were led to meditate a retreat from the scene of persecution to some vacant corner in the British dominions. The most liberal and moderate of the members of the Romish church were the most forward to embrace this purpose, and of such consisted the first emigrants to Lord Baltimore's territory. Sensible of the inveterate odium that their persuasion had incurred in England, both from the criminal enterprises of unworthy votaries, and from the bigotry of

intolerant adversaries, they purposed, perhaps, to redeem its reputation, and to teach a lesson of wisdom and charity both to Catholics and Protestants, by conducting their colonial settlement on principles diametrically opposite to the illiberal maxims and practices with which the church of Rome was reproached, and by rendering Maryland a scene of greater liberty of conscience than was enjoyed in any other quarter of the world. Whether in the commencement of their enterprise they distinctly conceived this generous design or not, they are entitled to the higher praise of having practically realized it.

The first band of emigrants, consisting of about two hundred gentlemen of considerable rank and fortune, professing the Roman Catholic faith, with a number of inferior adherents, in a vessel called *The Ark and the Dove*, sailed from England, under the command of Leonard Calvert, in November, 1632; and, after a prosperous voyage, reached the coast of Maryland, near the mouth of the river Potomac, in the beginning of the following year. [1633.] The governor, as soon as he landed, erected a cross on the shore, and took possession of the country *for our Saviour and for our sovereign lord the king of England*. Aware that the first settlers of Virginia had given umbrage to the Indians by occupying their territory without demanding their permission, he determined to imitate the wiser and juster policy that was pursued by the colonists of New England, and to unite the new with the ancient race of inhabitants by the ties of equity, good-will, and mutual advantage. The Indian chief, to whom he addressed his proposition of occupying a portion of the country, answered at first with a sullen affectation of indifference, — the result, most probably, of aversion to the measure and of conscious inability to resist it, — that he would not bid the English go, neither would he bid them stay, but that he left them to their own discretion. The liberality and courtesy, however, of the governor's demeanour succeeded at length in conciliating the Indian's regard so powerfully, that he not only established a friendly league between the colonists and his own people, but persuaded the other neighbouring tribes to accede to the treaty, and warmly declared, *I love the English so well, that, if they should go about to kill me, if I had so much breath as to speak, I would com-*

*mand my people not to revenge my death ; for I know they would not do such a thing, except it were through my own fault.* Having purchased the rights of the aborigines at a price which gave them perfect satisfaction, the colonists obtained possession of a large district, including an Indian town, which they forthwith occupied, and distinguished by the name of St. Mary's. It was not till their numbers had undergone a considerable increase, that they judged it necessary to frame a code of laws and establish their political constitution. They lived for some time in a social union, resembling the domestic regimen of a patriarchal family ; and confined their attention to the providing of food and habitations for themselves and the associates by whom they expected to be reinforced. The lands which were ceded to them yielded a ready increase, because they had already undergone the discipline of Indian tillage ;<sup>1</sup> and this circumstance, as well as the proximity of Virginia, which now afforded an abundant supply of the necessities of life, enabled the colonists of Maryland to escape the ravages of that calamity which had afflicted the infancy, and nearly proved fatal to the existence, of every one of the other settlements of the English in America. So luxuriant were their crops, that, within two years after their arrival in the province, they exported ten thousand bushels of Indian corn to New England, for the purchase of salted fish and other provisions. The tidings of their safe and comfortable establishment, conspiring with the uneasiness experienced by the Roman Catholics in England, induced considerable numbers of the professors of this faith to follow the original emigrants to Maryland ; and no efforts of wisdom or generosity were spared by Lord Baltimore to promote the population and the happiness of the colony. The transportation of people and of necessary stores and provisions, during the first two years, cost him upwards of forty thousand pounds. To every emigrant he assigned fifty acres of land in absolute fee ; and with a liberality unparalleled in that age, he united a general recognition of Christianity as the established faith of the land, with an exclusion of the political predominance or superiority of any one

<sup>1</sup> " They found fat pasture and good, and the land was wide, and quiet, and peaceable ; for they of Ham had dwelt there of old." — 1 Chron. iv. 40.



particular sect or denomination of Christians. This wise administration soon converted a desolate wilderness into a flourishing commonwealth, enlivened by industry and adorned by civilization. It is a proof at once of the success of his policy, and of the prosperity and happiness of the colonists, that, a very few years after the first occupation of the province, they granted to their proprietary a large subsidy of tobacco, in grateful acknowledgment of his liberality and beneficence.<sup>1</sup> Similar tributes continued, from time to time, to attest the merit of the proprietary and the attachment of the people.

The wisdom and virtue by which the colonization of the new province was signalized could not atone for the arbitrary encroachment by which its territory had been wrested from the jurisdiction of Virginia ; and while it is impossible not to regret the troubles which this circumstance engendered, there is something not altogether dissatisfactory to the moral eye in beholding the evil fruits of usurpation. Such lessons are most agreeable, when the requital which they exhibit is confined to the immediate perpetrators of wrong ; but they are not the less salutary, when the admonition they convey is derived from punishment extended to the remote accessories, who have consented to avail themselves of the injustice of the actual or principal delinquents. The king had commanded Sir John Harvey, the governor of Virginia, to render assistance and encouragement to Lord Baltimore in establishing himself and his associates in Maryland. But though the governor and his council declared their readiness, in humble submission to his Majesty's will, to maintain a good correspondence with their unwelcome neighbours, they determined at the same time to defend the rights of the prior settlement. The planters of Virginia presented a petition against the charter of Lord Baltimore ; and both parties were admitted to discuss their contradictory pretensions before the privy council. [July, 1633.] After vainly endeavouring to promote an amicable adjustment, the council decreed that Lord Baltimore should retain his charter, and the petitioners their remedy at law, — a remedy which probably had no existence, and for which the Virginians never thought it

<sup>1</sup> Oldmixon. Chalmers. Bozman.

worth while to inquire. For the prevention of farther differences, it was enjoined by the council that free and mutual commerce should be permitted between the two colonies ; that neither should harbour fugitives from the other, nor commit any act that might provoke a war with the natives ; and that each should on all occasions assist and befriend the other in a manner becoming fellow-subjects of the same empire.

But although the Virginian planters were thus compelled to withdraw their opposition, and the Virginian government to recognize the independence of Maryland, the establishment of this colony encountered an obstinate resistance from interests far less entitled to respect ; and the validity of Lord Baltimore's grant was disputed with much violence and pertinacity by a prior, but less legitimate, intruder. This competitor was William Clayborne, a member of Sir John Harvey's council, and secretary of the province of Virginia ; and the friendship between Harvey and this individual may perhaps account for a singularity in the conduct of that tyrannical governor, and explain why, on one occasion at least, he was disposed to defend the interests of the Virginian planters in opposition to the arbitrary policy of the king. About a year before the date of Lord Baltimore's charter, the king granted to Clayborne a license under the sign manual to traffic in those parts of America not comprehended in any preceding patent of exclusive trade ; and in corroboration of this license, Harvey superadded to it a commission in similar terms under the seal of his own authority. The object of Clayborne and his associates was, to monopolize the trade of the Chesapeake ; to which end they had established a small trading settlement in the isle of Kent, which is situated in the very centre of Maryland, and which Clayborne now persisted in claiming as his own, and refused to subject to the newly erected jurisdiction. The unreasonableness of a plea, which engrafted a territorial grant upon a mere commercial license, did not prevent the government of Virginia from countenancing Clayborne, who, encouraged by the approbation thus afforded to his pretensions, scrupled not to support them by acts of profligate intrigue and even sanguinary violence. He infused a spirit of insubordination into the inhabitants of the isle of Kent, and scattered jealousies among

the Indian tribes, some of whom he was able to persuade that the new settlers were Spaniards and enemies to the Virginians. Lord Baltimore, now perceiving the necessity of a vigorous effort in defence of his rights, commanded the governor to vindicate the provincial jurisdiction, and maintain an entire subordination within its limits. [Sept., 1634.] Till this emergency, the colony had subsisted without the formal establishment of municipal institutions ; but the same occasion that now called forth the powers of government tended also to develop its organization. Accordingly, in the commencement of the following year [Feb., 1635], was convened the first popular assembly of Maryland, consisting of the whole body of the freemen, by which various regulations were framed for the maintenance of good order in the province. One of the statutes of this assembly ordained that all perpetrators of murder and other felonies should incur the same punishments that were appointed for such offences by the laws of England ; an enactment, which, besides its general utility, was necessary to pave the way to the judicial proceedings that were contemplated against Clayborne. This individual, still persisting in his outrages, was indicted soon after for murder, piracy, and sedition. Finding that those who had encouraged his pretensions left him unaided to defend his crimes, he fled from penal inquisition, and his estate was confiscated. Against this adjudication he appealed to the king, and petitioned at the same time for the renewal of his license and the grant of an independent territory adjoining to the isle of Kent. By the assistance of powerful friends and the dexterity of his representations, he very nearly obtained a complete triumph over his antagonists, and eventually prevailed so far as to involve Lord Baltimore and the colonists of Maryland in a controversy that was not terminated for several years. At length the Lords Commissioners of the Colonies, to whom the matter was referred, pronounced a final sentence, dismissing Clayborne's appeal, and adjudging that the whole territory belonged to Lord Baltimore, and that no plantation or trade with the Indians, unsanctioned by his permission, could be lawfully established within the limits of his patent. Thus divested of every semblance of legal title, Clayborne exchanged his hopes of victory for schemes of revenge ;



and watching with considerate hate every opportunity of hostile intrigue that the situation of the colony might present to him, he was unfortunately enabled, at an after period, to wreak the vengeance of disappointed rapacity upon his successful competitor.<sup>1</sup>

The colony meanwhile continued to thrive, and the numbers of its inhabitants to be augmented by copious emigration from England. With the increase of the people and the extension of the settlements to a greater distance from St. Mary's, the necessity of a legislative code became apparent ; and Lord Baltimore, having composed a body of laws for the province, transmitted them to his brother, with directions to propose them to the assembly of the freemen. The second assembly of Maryland was in consequence convoked by the governor, with the expectation, doubtless, of an immediate ratification of the suggestions of the proprietary. [Jan., 1637.] But the colonists, along with a sincere attachment to Lord Baltimore, entertained a just and liberal conception of their own political rights ; and while they made an ample provision for the support of his government, they refused to accept his legislative propositions. It was in vain that the governor urged upon them that the provisions of this code were confessedly salutary and judicious, and that it was the wish of the proprietary that the proposition of all laws should originate with himself, and that they should restrict their legislative functions to the acceptance or rejection of his suggestions. This was an arrangement which they were determined not to admit. In place of Lord Baltimore's code, they prepared a collection of ordinances for themselves. The province was divided into baronies and manors. Various regulations were enacted for securing popular liberty, for ascertaining the titles to landed property, and for regulating the course of intestate succession. A law was passed for the support of the proprietary government ; and an act of attainder against Clayborne. In almost all the laws, where prices were stated or payments prescribed, tobacco, and not money, was assumed as the measure of value. The first colonists of Maryland devoted themselves as eagerly

<sup>1</sup> Oldmixon. Chalmers. Hazard. Bozman.



as the Virginians did at first to the cultivation of this valuable commodity. With indiscriminate desire to enlarge their contributions to the market, and obtain a price for the whole produce of their fields, they refused to accede to the regulations by which the planters of Virginia improved the quality by diminishing the quantity of their supply ; and this dissension was productive of much ill-humor and jealousy between the two colonies, and tended to keep alive the original disgust which the establishment of Maryland had inspired in Virginia.

The third assembly of Maryland, convoked two years afterwards [Feb., 1639], was rendered memorable by the introduction of a representative body into the provincial constitution. The population of the province had derived so large an increase from recent emigrations, that it was impossible for all the freeholders to continue longer to exercise the right of legislation by personal attendance. An ordinance was consequently established for the election of representatives, and the modification of the house of assembly. It was now ordained, that the persons, elected in pursuance of writs issued, should be termed burgesses, and should supply the place of the freemen who chose them in the same manner as the representatives of the people in the parliament of England ; and in conjunction with a smaller body, convoked by the special nomination of the proprietary, together with the governor and secretary, should constitute the General Assembly. But though the election of representatives was thus introduced for the convenience of the people, they were not restricted to this mode of exercising their legislative rights ; for, by a very singular provision, it was ordained that all freemen declining to vote at the election of burgesses should be entitled to assume a personal share in the deliberations of the assembly. The several branches of the legislature were appointed to meet in the same chamber ; and all acts assented to by the united body were to be deemed of the same force as if the proprietary and every one of the freemen had been personally present. It was not long before the people were sensible of the advantage that the democratic part of the constitution would derive from the separate establishment of its appropriate organ ; but, although this innovation was suggested by the burgesses very shortly after-

wards, the form of convocation that was now adopted continued to be retained by the legislature of Maryland till the year 1650. Various acts were passed in this assembly for the security of liberty, and the administration of justice, according to the laws and customs of England. All the inhabitants were required to take the oath of allegiance to the king ; the prerogatives of the proprietary were distinctly recognized ; and the great charter of England was declared to be the measure of the liberties of the colonists. To obviate the inconveniences that were apprehended from the almost exclusive attention of the people to the cultivation of tobacco, it was judged expedient to enjoin the planting of corn by law. A tax was imposed for the supply of a revenue to the proprietary. But notwithstanding this indication of prosperity, and the introduction of representative government, that the colonists were not yet either numerous or wealthy may be inferred from the imposition of a general assessment to erect a water-mill for the use of the province. Slavery seems to have been established in Maryland from its earliest colonization ; for an act of this assembly describes *the people* to consist of all Christian inhabitants, *slaves only excepted*.<sup>1</sup> That slavery should gain a footing in any community of professed Christians will excite the regret of every one who knows what slavery and Christianity mean. Some surprise may mingle with our regret, when we behold this baneful institution adopted in a community of Roman Catholics, and of men who not only were themselves fugitives from persecution, but so much in earnest in the profession of their distinctive faith, as for its sake to incur exile from their native country. The unlawfulness of slavery had been solemnly proclaimed by the pontiff, whom the Catholics regarded as the infallible head of their church ; for when the controversy on this subject was submitted to Leo the Tenth, he declared that “ *not only the Christian religion, but nature herself, cried out against a state of slavery.*” But the good which an earthly potentate can accomplish or promote is far from being commensurate with his power of doing evil. When one pope divided the undiscovered parts of the world between Castile and Portugal, his arro-

<sup>1</sup> Bacon's Laws. Oldmixon. Chalmers. Bozman. This author, unfortunately, has not continued his history of Maryland beyond the year 1638.

gant distributive decree was held sacred ; when another uttered his humane and equitable canon against the lawfulness of slavery, his authority was contemned, and proved quite inefficient.

The discontent with which the Virginians regarded the establishment of the new colony was heightened by the contrast between the liberty and happiness which the planters of Maryland were permitted to enjoy, and the tyranny which they themselves endured from the government of Sir John Harvey. The arguments by which the Maryland charter had been successfully defended against them tended to associate the invasion of their liberties with the existence of this colony ; for the complaint of dismemberment of their original territory was encountered by the plea, that the designation of the territory perished with the charter which contained it, and that, by the dissolution of the company to which the charter had belonged, all the dominion it could claim over unoccupied regions reverted by legal necessity to the crown. From the company, or at least during its existence, the Virginians had obtained a degree of liberty, which, since the dissolution of that corporate body, was greatly circumscribed by the encroachments of the royal governor ; and hence their ardent wishes for the restoration of their privileges were naturally connected with the reestablishment of a corporation, whose patent, if revived, would annul the charter of Maryland. It was fortunate for both the colonies, that the king, in consenting to abandon the illiberal system of government which he had been pursuing in Virginia, granted to the inhabitants rather what they wanted than what they asked, and restored to them the enjoyment of liberty, without the appendage of the ancient corporation under which it had been acquired ; and that the Virginians, justly appreciating the advantage thus accruing to them, now regarded with aversion the proposed revival of the patent, and were sensible that their interests would be rather impaired than promoted by the event that would enable them to reannex Maryland to their territory. Had this change of circumstances and interests been deferred but a short time, the most injurious consequences might have resulted to both the colonies ; for the assembling of the Long Parliament [1640], and the encouragement



which it bestowed on every complaint of royal misgovernment, inspired the partners of the suppressed Virginia Company with the hope of obtaining a restitution of their patent. Fortified by the opinion of eminent lawyers whom they consulted, and who confidently assured them that the ancient patents of Virginia still remained in force, and that the grant of Maryland, as derogatory to them, was legally void, they presented an application to the parliament, complaining of the unjust invasion that their privileges had suffered, and demanding that the government of Virginia (embracing all the territory formerly denoted by this name) should be restored to them. This application would undoubtedly have prevailed, if it had been seconded by the Virginian colonists. Its failure was mainly occasioned by the vigorous opposition of the assembly of Virginia.<sup>1</sup> [1641.]

Under the constitution which was thus preserved to them by the exertions of their formal rivals, the colonists of Maryland continued to flourish in the enjoyment of a happy and prosperous estate, and to demonstrate, by their unabated gratitude to the proprietary, that the spirit of liberty rather enhances than impairs the attachment of a free people to its ruler, and that a strong sense of the rights of men is no way incompatible with a just impression of their duties. The wise and friendly policy which the governor pursued towards the Indians had hitherto preserved a peace which proved highly beneficial to the colony in its infant state. But, unfortunately, the intrigues of Clayborne had infected the minds of these savages with a jealous suspicion, which was nourished by the visibly increasing strength of the colony, and which the immoderate avidity of some of the planters tended to extend and inflame. The rapid multiplication of the stranger race seemed to threaten the extinction of the aboriginal inhabitants; and the augmented value, which the territory they sold to the colonists had subsequently derived from the industry and skill of its new proprietors, easily suggested to their envy and ignorance the angry surmise that they had been defrauded in the original vendition. This injurious suspicion was confirmed by

<sup>1</sup> Chalmers. *Ante*, Book I., Chap. II.

the conduct of various individuals among the planters, who, without the authority of government, procured additional grants of land from the Indians, for considerations which were grossly inadequate, and which, upon reflection, inspired the defrauded vendors with anger and discontent.<sup>1</sup> These causes at length produced the calamity which the governor had earnestly labored to avert. An Indian war broke out in the beginning of the year 1642, and continued for two years after to administer its accustomed evils, without the occurrence of any decisive issue, or the attainment of any considerable advantage by either party. Peace having been with some difficulty reëstablished [1644], the provincial assembly enacted laws for the prevention of the more obvious causes of complaint and animosity. All acquisitions of land from the aborigines, without the consent of the proprietary, were pronounced derogatory no less to his dignity and rights than to the safety of the community, and therefore void and illegal. It was declared a capital felony to kidnap or sell any friendly Indians; and a high misdemeanour to supply them with spirituous liquors, or with arms or ammunition. Partly by these regulations, but chiefly by the humane and prudent demeanour of the officers who conducted the proprietary government, the peace that was now concluded between the colonists and the Indians subsisted, without interruption, for a considerable space of time.<sup>2</sup>

<sup>1</sup> Similar causes of offence undoubtedly begot or promoted many of the wars between the Indians and the other colonies. "Such things," says the historian of New Hampshire, "were indeed disallowed by the government, and would always have been punished, if the Indians had made complaint; but they knew only the law of retaliation, and, when an injury was inflicted, it was never forgotten till revenged." The fraud, or supposed fraud, of an individual might, at the distance of many years from its perpetration, involve the whole colony to which he belonged in an Indian war. Belknap.

"The Indians," says a pious, accurate, and impartial writer, "need not much provocation to begin a war with the white people; a trifling occurrence is readily laid hold of as a sufficient pretence. They frequently first determine upon war, and then wait a convenient opportunity to find reasons for it. Sometimes they have sold districts of land for the purpose of disputing the transaction and finding in the dispute a desired occasion of war." Loskiel's *History of the Moravian Missions*.

"Unprincipled and avaricious traders sometimes resided among the Indians; and, that they might the more easily cheat them, first filled the savages drunk, and then took all manner of advantage of them in the course of traffic. When the Indian recovers from his fit of drunkenness, and finds himself robbed of his treasures, for procuring which he had, perhaps, hunted a whole year, he is filled with fury, and spurns every check upon his vengeance." Hewitt's *History of South Carolina and Georgia*.

<sup>2</sup> Chalmers.



But the province was not long permitted to enjoy the restoration of its tranquillity. Scarcely was the Indian war concluded, when the intrigues of Clayborne exploded in mischiefs of far greater magnitude and more lasting malignity. The activity of this enterprising and vindictive spirit had been curbed hitherto by the deference which he affected to the pleasure of the British court, at which he cultivated his interest so successfully, that, in the year 1642, he received from the king the appointment of treasurer of Virginia for life.<sup>1</sup> But the civil wars, which now broke out in England, leaving him no longer any thing to hope from royal patronage, he made no scruple to declare himself a partisan of the popular cause, and to espouse the fortunes of a party from whose predominance he expected the gratification at once of his ambition and his revenge. In conjunction with his former associates in the Isle of Kent, and aided by the contagious ferment of the times, he kindled a rebellion in Maryland in the beginning of the year 1645. Calvert, destitute of forces suitable to this emergency, was constrained to take shelter in Virginia; and the vacant government was instantly appropriated by the insurgents, and exercised with a violence characteristic of the ascendancy of an unpopular and unprincipled faction. Notwithstanding the most vigorous exertions of the governor, seconded by the well affected part of the community, the revolt was not suppressed till the autumn of the following year. [August, 1646.] The afflictions of that calamitous period are indicated by a statute of the assembly, which recites "that the province has been wasted by a miserable dissension and unhappy war, which has been closed by the joyful restitution of a blessed peace." To promote the general tranquillity and confidence, an act of pardon and oblivion was passed, from the benefits of which only a few leading agitators were excepted; and all suits were disallowed for wrongs perpetrated during the revolt. But the additional tributes which it was found necessary to exact from the people were consequences of the insurrection that did not so soon pass away; and three years afterwards [1649], a temporary impost of ten shillings on every hundred-weight of

<sup>1</sup> Hazard.

tobacco exported in Dutch vessels was granted to the proprietary, — the one half of which was expressly appropriated to the liquidation of expenses incurred for the recovery and defence of the province, while the other was declared to be conferred on him for the purpose of enabling him the better to provide for the public safety in time to come.<sup>1</sup>

In the assembly by which the imposition of this tribute was decreed, a magnanimous attempt was made to preserve the peace of the colony, by extinguishing within its limits one of the most fertile sources of human strife and animosity. It had been proclaimed from the very beginning by the proprietary, that religious toleration should constitute one of the fundamental principles of the social union over which he presided ; and the assembly of the province, composed chiefly of Roman Catholics, now proceeded, by a memorable *Act concerning Religion*, to interweave this noble principle into its legislative constitutions. The statute commenced with a preamble, declaring that *the enforcement of the conscience had been of dangerous consequence in those countries wherein it had been practised* ; and ordained, that, thereafter, no persons professing to believe in Jesus Christ should be molested on account of their faith, or denied the free exercise of their particular modes of worship ; that persons molesting any individual, on account of his religious tenets or ecclesiastical practices, should pay treble damages to the party aggrieved, and twenty shillings to the proprietary ; that those who should reproach their neighbours with opprobrious names or epithets, inferring religious distinctions, should forfeit ten shillings to the persons so insulted ; that any one speaking reproachfully against the Blessed Virgin or the Apostles should forfeit five pounds ; and that blasphemy against God should be punished with death.<sup>2</sup> By the enactment of this statute the Catholic planters of Maryland procured to their adopted country the distinguished praise of being the first of the American States in which toleration was established by law ;<sup>3</sup> and graced their peculiar faith with the

<sup>1</sup> Preface to Bacon's *Laws*. Chalmers.

<sup>2</sup> Bacon's *Laws*.

<sup>3</sup> Rhode Island was at this time the only one of the Protestant settlements in which the principle of toleration was recognized ; and even there Roman

signal and unwonted merit of protecting those rights of conscience which no other Christian association in the world was yet sufficiently humane and enlightened to recognize. It is a striking and instructive spectacle, to behold at this period the Puritans persecuting their Protestant brethren in New England ; the Protestant Episcopalians inflicting similar rigor and injustice on the Puritans in Virginia ; and the Catholics, against whom all the others were combined, forming in Maryland a sanctuary where Christians of every denomination might worship, yet none might oppress, and where even Protestants sought refuge from Protestant intolerance. If the dangers to which the Maryland Catholics must have felt themselves exposed, from the disfavor with which they were regarded by the other colonial communities in their vicinity, and from the ascendancy which their most zealous adversaries, the Presbyterians, were acquiring in the councils of the parent state, may be supposed to account in some degree for their cultivation of a principle of which they manifestly needed the protection, the surmise will detract very little from the merit of the authors of this excellent law. The disposition of mankind towards moderation has ever needed adventitious support ; and Christian sentiment is not depreciated by the supposition that deems it capable of deriving an accession to its purity from the experience of persecution. It is by divine grace alone that the fire of persecution thus sometimes tends to refine virtue and consume the dross incident even to this celestial principle in its coexistence with human frailty ; and the progress of our history will abundantly demonstrate, that, without such overruling

Catholics were excluded from participating in the political rights that were enjoyed by the rest of the community.

The toleration thus early established in Maryland is one of the most remarkable events in the modern history of the Catholic church. If this church (which obtained temporal power long before any other, and had been accustomed to exercise it during a period when it was universally associated with a fierce, vindictive spirit) supplied the first Christian persecutors, it also supplied the first professors and practitioners of toleration. "One is astonished," says Dr. Robertson (*History of America*, Book V.), "to find a Spanish monk of the sixteenth century among the first advocates against persecution and in behalf of religious liberty." No Christian church, which enjoyed temporal power or an alliance with temporal power, prior to the eighteenth century, is entitled to reproach another with intolerance. This interesting subject has received the most admirable illustration from Mr. Hallam in his *Constitutional History of England*.



agency, the commission of injustice naturally tends to its own reproduction, and that the experience of it engenders a much stronger disposition to retaliate its severities than to sympathize with its victims. It had been happy for the credit of the Protestants, whose hostility perhaps promoted the moderation of the Catholics of Maryland, if they had imitated the virtue thus elicited by apprehension of their own violence and injustice. But, unfortunately, a great proportion even of those fugitives who were constrained to seek shelter among the Catholics from the persecutions of their own Protestant brethren carried with them into exile the same intolerance of which they had themselves already been the victims ; and the Presbyterians and other dissenters, who now began to flock in considerable numbers from Virginia to Maryland,<sup>1</sup> gradually formed a Protestant confederacy against the interests of the original settlers ; and, with ingratitude still more odious than their injustice, projected the abrogation not only of the Catholic worship, but of every part of that system of toleration under whose sheltering hospitality they were enabled to conspire its downfall. But though the Catholics were thus ill requited by their Protestant guests, it would be a mistake to suppose that the calamities that subsequently desolated the province were produced by the toleration which her assembly now established, or that the Catholics were really losers by this act of justice and liberality. From the disposition of the prevailing party in England, and the state of the other colonial settlements, the catastrophe that befell the liberties of the Maryland Catholics could not possibly have been evaded ; and if the virtue they now displayed was unable to avert their fate, it exempted them at least from the reproach of deserving it ; it redoubled the guilt and scandal incurred by their adversaries, and achieved for themselves a reputation more lasting and honorable than political triumph or temporal elevation.

From the establishment of religious liberty [1650], the assembly of Maryland extended its attention to the security of political freedom : and in the following year the constitution of this province received that structure, which, with some

<sup>1</sup> Oldmixon. Wynne. Pitkin.

short interruptions, it continued to retain for more than a century after. So early as the year 1642, the burgesses who were then elected members of the existing assembly expressed a desire "that they might be separated, and sit by themselves, and have a negative." Their proposition was disallowed at that time ; but now, in conformity with it, a statute was enacted, ordaining that members called to the assembly by special writ of the proprietary should form the upper house, while those who were chosen by their fellow-colonists should form the lower house ; and that all bills approved by the two branches of the legislature and ratified by the governor should be acknowledged and obeyed as the laws of the province. An act of recognition of the rights of Lord Baltimore was passed in the same session. The assembly declared itself bound by the laws both of God and man to acknowledge his just title by virtue of the grant of the late King Charles of England ; it accepted his authority, and obliged its constituents and their posterity for ever to defend him and his heirs in his seigniorial privileges and preëminences, so far as they should not infringe the just liberties of the free-born subjects of England ; and it besought him to accept this act, as a testimony to himself and his posterity of its fidelity and thankfulness for the manifold benefits which the colony had derived from him. Blending a due regard to the rights of the people with a just gratitude to the proprietary, the assembly at the same time enacted a law prohibiting the imposition of taxes without the consent of the freemen, and declaring in its preamble, "that, as the proprietary's strength doth consist in the affections of his people, so on them he doth rely for his supplies, not doubting of their duty and assistance on all just occasions."<sup>1</sup> In prosecution of its patriotic labors, the assembly framed laws for the relief of the poor, and the encouragement of agriculture and commerce ;<sup>2</sup> and a short gleam of tranquil prosperity preceded the calamities which the province was fated again to experience from the evil genius of Clayborne and the mischievous interference of the parent state.

The parliament, having now established its supremacy in

<sup>1</sup> *Laws.*

<sup>2</sup> *Ibid.*



England, had leisure to extend its views beyond the Atlantic ; and if the people of Virginia were exposed by their political sentiments to a collision with this formidable power, the inhabitants of Maryland were not less obnoxious to its bigotry from their religious tenets. This latter province was not denounced by the parliamentary ordinance of 1650 as in a state of rebellion, like Virginia ; but it was comprehended in that part of the ordinance which declared that the plantations were, and of right ought to be, dependent on England, and subject to her laws. In prosecution of the object and purpose of this ordinance, certain commissioners, of whom Clayborne was one, were appointed to reduce and govern the colonies within the Bay of Chesapeake. [September, 1651]. In Virginia, where resistance was attempted, the existing administration was instantly suppressed : but as the proprietary of Maryland professed his willingness to acknowledge the parliamentary jurisdiction, the commissioners were compelled (in conformity with their instructions) to respect his rights [1652] ; and he was suffered to rule the province, though as a dependent functionary of the keepers of the liberties of England.<sup>1</sup> But Clayborne was not to be thus deterred from availing himself of an opportunity so favorable to the gratification of his malignity ; and, unfortunately, his designs were favored by the distractions in England that preceded the elevation of Cromwell to the protectorate, and by the disunion which began to prevail in the province from the pretensions of the Protestant exiles who had recently united themselves to its population. Ever the ally of the strongest party, Clayborne hastened to espouse the fortunes of Cromwell [1653], whose triumph he easily foresaw ; and inflamed the dissensions of the province, by encouraging the Protestants to combine the pursuit of their own ascendancy with the recognition of the protectoral government. The contentions of the two parties were at length exasperated to the extremity of civil war ; and after various skirmishes, which were fought with alternate success, the Catholics and the other partisans of the proprietary were defeated in a decisive engagement [1654],

<sup>1</sup> Bacon's *Preface*. Thurlow's *State Papers*.

the governor deposed, and the administration usurped by Clayborne and his associates.<sup>1</sup>

Although the victorious party did not consider themselves warranted expressly to deny the title of the proprietary, they made haste to signalize their triumph by abolishing his institutions. Fuller and Preston, whom Clayborne appointed [July] commissioners for directing the affairs of Maryland under his Highness the Lord Protector, convoked a provincial assembly [October] ; and some of the persons who were elected burgesses having refused to serve in a capacity which they deemed inconsistent with their obligations to Lord Baltimore,<sup>2</sup> the legislative power was the more exclusively appropriated by the partisans of innovation. The assembly having, as a preliminary measure, passed an act of recognition of Cromwell's just title and authority, proceeded to frame an ordinance concerning religion, which derogated not less signally from the credit of the Protestant cause than from the justice and liberality of the Protector's administration.<sup>3</sup> By this ordinance it was declared that no persons professing the doctrines of the Romish church could be protected in the province by the laws of England formerly established and yet unrepealed, or by the protectoral government ; and that such as professed faith in God by Jesus Christ, though dissenting from the doctrine and discipline generally established in the British dominions, should not be restrained from the exercise of their religion ; " provided such liberty be not extended to popery or prelacy ; or to such as, under the profession of Christianity, practise licen-

<sup>1</sup> Bacon's *Preface*.

<sup>2</sup> Chalmers.

<sup>3</sup> Cromwell is at least obnoxious to the charge of having suffered the triumph of his own and of the Protestant cause to be signalized by the extinction of a toleration established by Roman Catholics. That he incited, or even approved, this proceeding is by no means apparent. In the records of the province, there is a letter from him to his commissioners, desiring them not to busy themselves about religion, but to settle the civil government. Chalmers. Yet in writing to the governor and council of Virginia, he reproached them with impiety in having given countenance and support to the Catholic interest in Maryland. Burk. The Protector was much more distinguished by the vigor of his conduct than the perspicuity of his diction ; and his correspondents were sometimes unable to discover the meaning of his letters. In one of his communications to the Maryland commissioners, we find him reprimanding them for having misunderstood his former directions. Chalmers. Hazard. He seems, on many occasions, to have studied an ambiguity of language, that left him free to approve or disapprove the measures of his officers, according to the success that might attend them.

tiousness.”<sup>1</sup> Thus the Roman Catholics were deprived of the protection of law in the commonwealth which their own industry and virtue had reared, and by those Protestants to whom their charity had given a country and a home. This unworthy triumph was hailed by the zealots against popery in London, where a book was published soon after under the title of *Babylon's Fall in Maryland*. But the Catholics were not the only parties who experienced the severity of the new government. All the Protestant Dissenters were exposed more or less to persecution; and a number of Quakers, having resorted some time after to the province, and begun to preach against judicial oaths and military pursuits, were denounced by the government as heretical vagabonds, and underwent the punishment of flogging and imprisonment.<sup>2</sup>

As Lord Baltimore's right to the proprietariship of the province was still outwardly recognized, the commissioners, either deeming it requisite to the formality of their proceedings, or more probably studying to embroil him with the Protector, demanded his assent to the changes which were thus introduced. But he firmly refused to sanction either the deposition of his governor, or any one of the recent measures of the commissioners and their adherents; and declared in particular, with respect to the free exercise of religious worship, that he never would assent to the repeal of a law which protected the most sacred rights of mankind. The commissioners, with expressions of surprise either hypocritical or ridiculous, complained of his contumacy to Cromwell, to whom they continued from time to time to transmit the most elaborate representations of the *tyranny, bigotry*, and royalist predilections of Lord Baltimore, and the expediency of depriving him of the proprietariship of the province.<sup>3</sup> [1655.] But all their representations were ineffectual. Lord Baltimore was allowed by Cromwell to retain, at least nominally, the rights which he was practically debarred from enjoying; and the commissioners remained in the province to exercise the tyranny and bigotry of which they falsely accused him. Their conduct, as intemperate as their

<sup>1</sup> *Laws*.

<sup>2</sup> Chalmers.

<sup>3</sup> Langford's *Refutation of a Scandalous Pamphlet, named "Babylon's Fall in Maryland."* Chalmers. Hazard. The only copy of Langford's tract that I have ever met with was in the library of Mr. Chalmers.



counsels, disturbed the peace of the colony, and rendered their own power insecure. The people, lately so tranquil and happy, were now a prey to all those disorders which never fail to result from religious persecution embittered by the triumph of party in civil contention. In this situation an insurrection was easily raised by Josias Fendal, a restless and profligate adventurer, destined by his intrigues to become the Clayborne of the next generation, and who now sought occasion to indulge his natural turbulence under pretence of supporting the rights of the proprietary and the original constitution of the province. [1656.] This insurrection was productive of very unhappy consequences to the colony. It induced Lord Baltimore to repose an ill-grounded confidence in Fendal ; and its suppression was attended with increased severities on the part of the commissioners, and additional exactions from the people.<sup>1</sup>

The affairs of the colony remained for two years longer in this distracted condition ; when at length the commissioners, disgusted with the disorders which they had produced, but were unable to compose, and finding all their efforts unavailing to procure the abrogation of Lord Baltimore's title, to which they ascribed the unappeasable discontent of a great part of the population, surrendered the municipal administration into the hands of Fendal, who had been appointed governor by the proprietary. [1658.] But this measure, so far from restoring the public quiet, contributed to aggravate the mischiefs which infested the province, by giving scope to the machinations of that unprincipled agitator, whose habitual restlessness and impetuosity had been mistaken for attachment to the proprietary system. No sooner had he convoked an assembly [February, 1659], than with unblushing treachery he surrendered into the hands of the burgesses the trust which Lord Baltimore had committed to him, and accepted from *them* a new commission as governor : and the burgesses, at his instigation, dissolved the upper house and assumed to themselves the whole legislative power of the state. Fendal and his associates were probably encouraged to pursue this lawless course by the distractions of the English commonwealth that followed the death of the Pro-

<sup>1</sup> *Laws. Chalmers.*

terior. Their administration, which was chiefly distinguished by the imposition of heavy taxes, and a bitter persecution of the Quakers, was happily soon terminated by the restoration of Charles the Second [1660] ; when Philip Calvert, producing a commission to himself from the proprietary, and a letter from the king commanding all his officers and other subjects in Maryland to assist in the reestablishment of Lord Baltimore's jurisdiction, found his authority universally recognized and peaceably obeyed. Fendal was now tried for high treason, and found guilty ; but the clemency of the proprietary prevailed over his resentment ; and he granted the convict a pardon, qualified by the imposition of a moderate fine, and a declaration of his perpetual incapacity of public trust. This lenity was very ill-requited by its worthless object, who was reserved by farther intrigues and treachery to disturb at an after period the repose of the province. [1661.] His accomplices, upon a timely submission, were pardoned without even undergoing a trial. The recent usurpations were passed over in prudent silence, and buried in a generous oblivion ; toleration was forthwith restored ; and the inhabitants of Maryland once more experienced the blessings of a mild government and internal tranquillity.<sup>1</sup>

Happily for mankind, amidst the contentions of political factions and the revolutions of government, there generally subsists, in every community, an under-current of peaceful and industrious life, which pursues its course undisturbed by the tempests that agitate and deform the upper region of society. Notwithstanding the disorders to which Maryland was so long a prey, the province had continued to increase in population, industry, and wealth ; and at the epoch of the Restoration it contained about twelve thousand inhabitants.<sup>2</sup> The reestablishment of a humane government and general subordination, however, had manifestly the effect of quickening the march of prosperity ; for, about five years after the present epoch, we find the population increased to sixteen thousand persons. At this latter period, the number of ships trading from England and other parts of the British dominions to Maryland was com-

<sup>1</sup> *Laws.* Chalmers.

<sup>2</sup> Chalmers.



puted at one hundred.<sup>1</sup> So great was the demand for labor in the colony, and so liberal its reward, that even the introduction of negro slavery had not been able to degrade it in public esteem. Industry, amply recompensed, was animated and cheerful ; and, closely connected with independence and improvement of condition, was the object of general respect. Every young person was trained to useful labor ; and though a legal provision was made for the support of the poor, pauperism and beggary were practically unknown ; and the public bounty, though sometimes delicately conveyed to the necessities of proud poverty or modest misfortune, was never openly solicited.<sup>2</sup> An account of the condition of Maryland was published at London, in the year 1666, by George Alsop, who resided in the province both prior and subsequent to the Restoration. From his representation it appears that a great deal of the agricultural work of the colonists was performed by indented servants ; and that the treatment of these persons was so humane, and the allotment of land and stock which they received from their masters at the end of their quadrennial servitude so ample, that the author, who himself had served in this capacity, declares he was much happier as an indented servant in Maryland than as an apprentice in London. It was common for ruined tradesmen and indigent laborers in England to embrace this resource for retrieving or improving their worldly circumstances ; though many were deterred by the misrepresentations circulated by shallow politicians who dreaded the depopulation of the realm, or by interested employers who apprehended an augmentation of the wages of labor at home. No emigrants (says Alsop) were more successful in bettering their condition than female servants ; they invariably obtained an immediate and respectable establishment in marriage. Money was very scarce in the colony, and was never employed in its domestic transactions ; tobacco being the universal medium of exchange, the remuneration of all services, civil, military, and ecclesiastical, and the measure of all penal amercements. This author,

<sup>1</sup> Oldmixon. *Blome's Present State of his Majesty's Isles and Territories in America.*

<sup>2</sup> Alsop's *Maryland*. The English civil wars produced a considerable improvement in the condition of laborers in North America, by interrupting the emigration of additional competitors for employment. Winthrop's *Journal*.

when he has occasion to mention the troubles that preceded the Restoration, alludes to them simply as affairs of state and events of merely partial interest and importance. Of some of the personages who were culpably implicated in them, it was his opinion "that their thoughts were not so bad at first, as their actions would have led them into in process of time."<sup>1</sup>

A great proportion of the inhabitants of Maryland, and in particular all the Catholic part of the population, were sincerely attached to the royal government ;<sup>2</sup> and the gratification they derived from the restoration of the king enhanced the satisfaction with which they returned to the patriarchal sway of their benevolent proprietary. [May, 1661.] During the general festivity that ensued in the province, the house of assembly was convoked by the governor. One of the first measures undertaken by this body aimed at providing a remedy for the scarcity of money, which, it was declared, formed a serious obstruction to the advancement of trade. For this purpose, they besought the proprietary to establish a mint in the province ; and enacted that the money to be coined should be of as good silver as English sterling, and that the proprietary should accept it in payment of his rents. This is the second instance that we have witnessed, and the last that ever occurred, of a pretension to the right of coining money in the British provinces of North America. A coinage accordingly took place in Maryland ; and the measure seems neither to have offended the British government, nor to have disappointed the colonists ; for the law was confirmed and declared perpetual by the assembly in the year 1676. Yet, in consequence, perhaps, of the blame that Massachusetts incurred for a similar proceeding, the practice of coining soon after fell into disuse, and the ordinances that sanctioned it were repealed. In the same session there was passed an act for the imposition of port duties, which conferred on the proprietary half a pound of powder and three pounds of shot for every ton of the burden of vessels

<sup>1</sup> Alsop. The Advocates' Library of Edinburgh contains a copy of this little work.

<sup>2</sup> It was one of the charges preferred against the proprietary by Cromwell's commissioners, that Charles the Second had been proclaimed by the people of Maryland, without any signification of displeasure from Lord Baltimore. Hazard.

not belonging to the province.<sup>1</sup> This act, as we shall afterwards find, gave rise to some controversy at the period of the the British Revolution.

The happiness and prosperity of the colonists were promoted by the arrival, in the following year [1662], of Charles Calvert, eldest son of the proprietary, whom his father appointed the resident governor of Maryland, for the purpose of enabling him to form acquaintance with the people over whom he was destined to maintain the hereditary jurisdiction. From the various *acts of gratitude* (as they were termed) that emanated from the assembly during his presidency, Charles Calvert appears to have followed, with successful virtue, the wise and generous policy of his father ; and his administration, first as governor, and afterwards as proprietary, proved for a considerable period alike honorable to himself, beneficial to the public weal, and acceptable to the people. The provincial records, during this period, are occupied exclusively with details of jurisprudence and the progress of legislation. Various laws were enacted by the assembly for the ascertainment of public and private right, the promotion of commerce, and the encouragement of agricultural and manufacturing industry. Acts were passed for engrafting more perfectly the English statute law on the jurisprudence of the colony ; for securing the stability of possessions, and the fulfilment of contracts ; and for the encouragement of the culture of English grain, and the rearing and manufacturing of hemp and flax. As the agitations of the parent state had ever been found to diffuse their influence through the colonial territories, and the perturbing spirit of political rumor to gain force and malignity proportioned to the distance from which it was wafted, an attempt was made to protect the quiet of the province by a law imposing penalties on divulgers of false news [1662–1666] ; but this desirable object was much more respectably as well as effectually promoted by the merit and popularity of the governor's administration. The public tranquillity sustained some disturbance from the encroachments of the Dutch on the western banks of the Delaware, and from the hostile incursions of a distant tribe of Indians. But the remonstrances of Calvert obliged the Dutch

<sup>1</sup> *Laws.* Chalmers.



intruders to evacuate the whole country around Cape Henlopen, of which he instantly took possession;<sup>1</sup> and his prudence, seconded by the friendly demonstrations of the Indian allies of the province, restored peace with the hostile tribe by a treaty, which was confirmed by act of assembly. [May, 1666.] The fidelity of the Indian allies was rewarded by settling on them and their descendants an extensive and valuable territory, which, being assured to them on various occasions by successive acts of the legislature, continued in their possession for near a century after. All the Indian tribes within the limits of the province now declared themselves subject to the proprietary government; and in testimony of their subjection, the inferior chiefs or princes, on the death of their principal sachem, refused to acknowledge the sway of his successor, till this pretender's claim to the dignity was sanctioned by Governor Calvert. The removal of the Dutch from Cape Henlopen induced many of those planters to unite themselves to the colony of Maryland, into which they were readily admitted; and, in the year 1666, the Maryland assembly enacted, in favor of them and of certain French Protestant refugees, the first law ever framed by any provincial legislature for the naturalization of aliens. Many similar laws were enacted in every subsequent session, till the British Revolution; and, during the intervening period, great numbers of foreigners transported themselves to this province, and became completely incorporated with its other inhabitants.<sup>2</sup>

The principal, if not the only, inconvenience, of which the people of Maryland were sensible at this time, was that which they shared with all the other colonies, and which was inflicted by the parliamentary Acts of Navigation. In Virginia, where the pressure of these restrictions was sooner and more severely experienced, an attempt was made to enhance the price of the staple commodity, by a temporary restraint of the cultivation of tobacco; but as Maryland refused to embrace this measure, its efficacy was defeated, and the former animosity of the Virginians against the inhabitants of the neighbouring province unhappily revived. To this animosity we must ascribe the various com-

<sup>1</sup> A more particular account of the disputes and various transactions between the English and the Dutch in this quarter occurs in Book V., Chap. I., *post*.

<sup>2</sup> Bacon's *Laws*. Oldmixon. Chalmers.



plaints against the colonists of Maryland which Virginia from time to time addressed to the king ; all of which, on examination, proved entirely groundless.<sup>1</sup> As the inconvenience arising from the Navigation Laws began to be more sensibly experienced in Maryland, the policy that had been ineffectually suggested by Virginia was more favorably regarded ; and at length a prohibitory act, suspending the growth of tobacco, was passed in the present year by the assembly ; but the dissent of the proprietary and governor, who apprehended that it might prove injurious to the poorer class of planters, as well as detrimental to the royal customs, prevented this regulation from being carried into effect.<sup>2</sup> The popularity of Lord Baltimore and his son incurred no abatement from their opposition to this project of the assembly. Though averse to impose any direct restraint on the cultivation of tobacco, they willingly promoted every plan that was suggested by the provincial legislature for the encouragement of other branches of industry ; and their efforts to alleviate the public inconvenience were justly appreciated, as well as actively seconded, by a people more ready to improve the remaining advantages of their situation, than to resent the injustice of the parent state, by which these advantages were circumscribed. While Virginia was a prey to discontent and insurrection, Maryland continued to enjoy the blessings of peace and prosperity, and to acknowledge the patriotic superintendence of its generous proprietary. By an act passed in the year 1671,<sup>3</sup> the assembly imposed a duty of two shillings sterling on every hogshead of tobacco exported ; the one half of which was to be ap-

<sup>1</sup> One of these complaints, which the proprietary was summoned to answer, was for making partial treaties with the Indians, and contenting himself with exempting the Maryland territory from their hostilities, without stipulating the same advantage for the province of Virginia. The Committee of Plantations, to which the complaint was referred, on examining the treaties of both parties, reported to the king that Maryland had included Virginia in all her treaties, but that Virginia had demonstrated no such concern for Maryland. Chalmers.

<sup>2</sup> Bacon's *Laws*. Chalmers.

<sup>3</sup> Bacon's *Laws*. "Reflecting with gratitude," says the preamble of this enactment, "on the unwearied care of the proprietary, and the vast expense that he has been put to in preserving the inhabitants in the enjoyment of their lives and liberties, and the increase and improvement of their estates," &c. History should delight to record the expressions of popular gratitude for conspicuous service, — the public honors rendered to wisdom and virtue.

The same year, there was passed an act "for encouraging the importation of negroes and slaves."

plied in maintaining a magazine of arms and defraying the necessary expenses of government ; and the other half was settled on the proprietary, in consideration of his accepting merchantable tobacco for his rents and alienation fines, at the rate of two-pence a pound. This provision was soon after continued during the life of the heir of the proprietary, by "An act of gratitude," as the assembly termed their ordinance, "to Charles Calvert, the governor."<sup>1</sup> [1674.]

Cecilus, Lord Baltimore, the father of the province, having lived to reap these happy and honorable fruits of the plantation which he had reared with so much wisdom and virtue, died in the forty-fourth year of his supremacy, crowned with venerable age and illustrious reputation. [1676.] It was his constant maxim, which he studiously inculcated on the provincial assembly, "that by concord a small colony may grow into a great and renowned nation ; but that by dissension mighty and glorious kingdoms have declined and fallen into nothing." Some observations on the state of the province at the period of his death occur in a letter written in the same year by a clergyman of the church of England, resident there, to the Archbishop of Canterbury. Maryland, it thence appears, was already divided into ten counties, and contained upwards of twenty thousand inhabitants. The Catholics, says this writer, provided for their priests, and the Quakers supported their ministers ; but no care was taken to establish by law a Protestant Episcopal church. There were but three or four ministers of the church of England in Maryland ; and from the want of a legal establishment for them, the colony, he declares, had fallen into a most deplorable condition, — having become a *pest-house of iniquity*, in which the Lord's day was openly profaned. As a remedy for this evil, he suggests an endowment of the church of England at the public expense.<sup>2</sup> The remedy discredits the representation, which, besides, is totally unconfirmed by any other account ; and it seems neither uncharitable nor unreason-

<sup>1</sup> Bacon's *Laws*.

<sup>2</sup> Chalmers. Yeo, *apud* Chalmers. This representation is as incredible as the statement that was published about twelve years after, by the Protestant Association of Maryland, of the daily murders and persecutions incited by the proprietary and committed by the Catholics. No reliance can be placed on the accounts that men give of the character and conduct of those whom they are preparing or longing to plunder.

able to suppose that this writer contemplated the existing condition of society through the inverted medium of the same systematic view that represented to him the future advancement of the spiritual interests of the laity originating from the promotion of the temporal interests of the clergy. The brightness of distant hope tends to darken the realities of present experience ; and the associations that serve to embellish and illustrate the one are able to deform and obscure the other. The Protestant part of the population of Maryland was less distinguished by that Christian zeal which leads men to impose sacrifices on themselves, than by that ecclesiastical zeal which prompts them to impose burdens on others ; they were probably less wealthy, from having been more recently established in the province, than the Catholics ; and the erection of their churches was farther retarded by the state of dispersion in which the inhabitants generally lived. The Protestant Episcopal pastors, like the clergy of every other order, depended on the professors of their own particular tenets for support ; and it is not easy to discern the soundness of the argument that assigns the liberality of other sectarians to clergymen of their own persuasion, as a reason for loading them with the additional burden of supporting the ministers of the church of England,—or the existing incompetency of these ministers to control the immoralities of their people, as a reason for endowing them with a provision that would render them independent of the discharge of their duty. This logic, however, was quite satisfactory to the primate of England, who eagerly undertook to reform the morals of the people of Maryland, by obtaining a legal establishment and wealthy endowment to a Protestant Episcopal church in the province.

The deceased proprietary was succeeded by his son Charles, Lord Baltimore, who had governed the province for fourteen years with a high reputation for virtue and ability. With the religious tenets, he inherited the tolerant principles of his father ; and one of the first acts of his administration was to confirm the remarkable law of 1649, which established an absolute political equality among all denominations of Christians. Having convoked an assembly, where he presided in person, he performed, with their assistance, what has often been recommended to other legislatures, but rarely executed by any, — a dili-



gent revision of all the existing laws ; repealing those that were judged superfluous or inexpedient, confirming the salutary, and explaining the obscure.<sup>1</sup> In this assembly, an attempt was made to stem the progress of an evil with which the colony was afflicted, by a regulation more wisely, perhaps, than competently opposed to the policy of the mother country. The morals of the colonists were endangered in a much greater degree by the transportation of felons to Maryland, than by the want of a legislative endowment to the clergy of the Protestant Episcopal church. To the common law of England this punishment of transportation was quite unknown ; though in some cases it permitted a felon who preferred exile to death to abjure the realm. It was a statute of Elizabeth which first inflicted banishment on dangerous rogues ; and it was James the First, who, without any regard to this law, but in the plenitude of his royal prerogative, introduced the practice of transporting felons to Virginia. He was indebted for the suggestion to Chief-Justice Popham, who, being a proprietor of colonial territory, as well as a judge, conceived the project of rendering the administration of justice subservient to his private interests as a planter, and had destined New England in particular to anticipate the uses of Botany Bay.<sup>2</sup> The practice of transporting felons to the colonies was resumed soon after the Restoration, and received so far the countenance of the legislature, that an act of

<sup>1</sup> *Laws.* No human society is stationary in its condition ; but the changes to which all are inevitably subject are less rapid and obvious in old than in young communities. The peculiarly progressive state of society in America was calculated to suggest to the Americans that wise principle which their revolt from Britain afforded them an opportunity of interweaving into their municipal constitutions, and in conformity with which provision is made for periodical revisions and corrections of their systems of law and government, in order to adapt them more perfectly to the altered and actual condition of the community. The Americans, in this as in many other respects, have taught by example a grand and useful lesson to mankind. They have placed the science of politics on the same footing with other sciences, by opening it to improvements derived from experience and the discoveries of successive ages.

<sup>2</sup> *Lloyd's State Worthies.* Many persons have been transported as felons to America whom no community of wise and honorable men would be ashamed to recognize as fellow-citizens. The crews of the first squadron conducted by Columbus to America were partly composed of convicts, pardoned on condition of undertaking the voyage. In the reign of Charles the Second, before the voluntary emigration of the Quakers, a considerable number of these sectaries, and, in the reign of James the Second, a great many of the gallant and unfortunate partisans of the Duke of Monmouth, were transported as felons to America.



parliament authorized the king to inflict this punishment on persons convicted of the crime of Quakerism.<sup>1</sup> The effects of it proved so disagreeable to the people of Maryland, that a law was now framed by their assembly against the importation of convicts into this province,<sup>2</sup> and afterwards reënacted at various subsequent periods till the commencement of the reign of Queen Anne. Whether any notice was taken of this demonstration of resistance to a measure of the British government, or what were the effects of it, I am unable to discover. It is certain, that, at a later period, the practice was continued and extended, in spite of the remonstrances of the more wealthy and intelligent planters, who regarded it as at once disgraceful to the province, and subversive of those notions of the superiority of white men which they studied to impress on their negro slaves ; and shortly prior to the American Revolution, no fewer than three hundred and fifty felons were annually imported into Maryland from the parent state.<sup>3</sup>

At the conclusion of the legislative session, the proprietary having announced his intention of visiting England, the assembly, in acknowledgment of the many signal benefits which he had rendered to the people, and as a token of their love and respect, unanimously desired his acceptance of all the tobacco which remained unappropriated in the public stores of the province.<sup>4</sup> Lord Baltimore was undoubtedly worthy of these demonstrations of regard ; and the experience of his own, together with the remembrance of his father's merits, might have been expected to recommend the system of proprietary government to the lasting approbation of the colonists. This species of magistracy, however, was destined to enjoy but a transient popularity in America. Allied by congruity to no similar institution, and surrounded by no kindred order of persons in the provincial communities, it stood wholly unsheltered from envy, a solitary specimen of hereditary grandeur ; and its objectionable features were exhibited in the most offensive light, when, in the progress of succession, exclusive dignity became the portion of despicable, or the instrument of unjust and odious men. These considerations, it must be acknowledged, afford no explanation

<sup>1</sup> 13, 14 Charles II., Cap. 1.

<sup>3</sup> *History of the British Dominions in America.*

<sup>2</sup> 1676, Cap. 16.

<sup>4</sup> 1676, Cap. 18.

of the sudden decline which Lord Baltimore's popularity was doomed to undergo ; and we must seek elsewhere for the causes of that revolution of public opinion in which his merits were ungratefully depreciated or forgotten. If he had lived in an age less subject to jealousy and alarm, or presided in a colony composed entirely of Catholics, he would probably have enjoyed a larger and more enduring harvest of popular gratitude. But the toleration which his father established, and the naturalization of foreigners which he himself introduced, had attracted to the provincial territory a multitude of Protestants, both French and English. The liberal principles of the proprietary were not able to disarm the French Protestants of their enmity against a faith associated in their previous experience with perfidy and persecution ; and the English Protestants, impressed with the opinion which their friends in the mother country deduced from the policy of the king, regarded toleration but as a cloak under which Catholic bigotry disguised the most dangerous designs. These unhappy impressions were confirmed by the alarms and intrigues of which the ensuing period of English history was abundantly prolific, and which invariably extended their influence to the minds of the people of Maryland, where a mixture of opinions unknown in any other of the provinces gave a peculiar interest to the conflict of the same opinions that was carried on in the parent state.

On his arrival in England [1677], Lord Baltimore was assailed with complaints, preferred against him to the Committee of Plantations by the colony of Virginia and the prelates of England. The accusations of Virginia, which related to provincial boundaries and Indian treaties, were easily repelled ; but the controversy with the prelates was not so satisfactorily adjusted. Compton, Bishop of London, to whom the primate had imparted his ecclesiastical project for the colony, represented to the committee that true religion was deplorably neglected in Maryland ; that, while Roman Catholic priests were enriched there with valuable possessions, the Protestant ministers of the church of England were utterly destitute of support ; and that heresy and immorality had consequently overspread the province. Lord Baltimore, in justification of himself and of the provincial legislature, exhibited the act of 1649, together with

the recent confirmation of it, which assured freedom and protection to every society of Christians, but allowed special privileges to none. He stated that four ministers of the church of England were in possession of plantations which afforded them a decent subsistence ; but that, from the variety of religious opinions prevalent in the assembly, it would be extremely difficult, if not impossible, to induce this body to consent to a law that should oblige any religious society to maintain other ministers than its own. Satisfactory as this answer ought to have been, the impartial policy which it disclosed obtained little or rather no approbation. The committee declared that they thought fit there should be a public maintenance assigned to the church of England, and that the proprietary ought to propose some means of supporting a competent number of her clergy. The king's ministers at the same time signified to him the royal pleasure that immorality should be discouraged, and laws for the repression of vice enacted and punctually executed in Maryland.<sup>1</sup>

This last injunction, to which its authors probably attached very little meaning or importance, was the only one that received any attention from the provincial government. A law was framed by the assembly [1678], enjoining a reverential observance of Sunday ;<sup>2</sup> and after the return of the proprietary [1681], new regulations were adopted for the speedier prosecution of offences, and the stricter definition of punishments. As the more rigorous enforcement of the Navigation Act began now to occasion an increased depreciation of the staple produce of the colony, numerous attempts were made by the proprietary and assembly, during the two following years, to counteract or diminish this inconvenience, by giving additional encouragement and a new direction to the provincial industry and commerce. Laws were framed for promoting tillage and raising provisions for exportation ; for restraining the export of leather and hides, and otherwise encouraging the labor of tanners and shoemakers ; and for rearing manufactures of linen

<sup>1</sup> Chalmers.

<sup>2</sup> Yes, far beyond the high-heaved western wave,  
Amid Columbia's wildernesses vast,  
The words which God in thunder from the Mount  
Of Sinai spake are heard, and are obeyed." — Grahame's *Sabbath*.



and woollen cloth. Thus early did the legislature endeavour to introduce manufactures into the province ; but the attempt was premature ; and though domestic industry was able to supply some articles for domestic uses, it was found impracticable even at a much later period to render Maryland a manufacturing country. For the encouragement of trade, various ports were established, where merchants were enjoined to reside, and commercial dealings to be carried on, and where all trading vessels were required to unlade the commodities of Europe, and take on board the productions of the province. But from the situation of the country, abounding with navigable rivers, and from the great variety of ports that were erected in conformity with the wishes of the planters, every one of whom desired to have a port on his own plantation, this regulation was attended with very little effect. It was now that there occurred the last instance of the expression of that reciprocal regard which had reflected so much honor on the proprietary and the people. By a vote of the assembly, in the year 1682, this body, “to demonstrate its gratitude, duty, and affection to the proprietary,” desired his acceptance of a liberal subsidy,—a testimony of esteem to which he returned a courteous acknowledgment, though he declined to appropriate the contribution, on account of the straitened circumstances of the colony.<sup>1</sup>

But amidst all this seeming cordiality, and the mutual endeavours of the proprietary and the assembly to promote the public welfare, there lurked in the province a secret heart-burning and discontent pregnant with future quarrel and convulsion. The fiction of the Popish Plot extended its baneful influence to Maryland, and was employed there by some profligate politicians as the instrument of designs similar to those which it engendered or from which it originated in England. The insurrections that had been provoked by the oppression of the Covenanters in Scotland ; the discontents in England ; the disputes with regard to the proposed exclusion of the Duke of York from the throne ; the continued disagreement between the king and parliament, — all, transmitted through the magni-

<sup>1</sup> *Laws.*



lying and uncertain medium of rumor to a country so remote from the means of accurate information, seemed to forebode a renewal of the distractions of the preceding reign. A general ferment was excited in men's minds ; and in the strong expectation that prevailed of some great change, parties and individuals prepared with anxiety to defend their interests, or intrigued with eagerness for the enlargement of their advantages. The absence of the proprietary from the province, during his visit to England, probably served to promote the machinations of the factious, which, however, received a seasonable check from his return. Fendal, who had raised insurrection against the administration of Cromwell, and afterwards betrayed and resisted the government of the proprietary, now availed himself of the lenity he had experienced to reëxcite commotions in Maryland. He seems to have had no other purpose than to scramble for property and power amidst the confusion which he expected to ensue ; and he encouraged his partisans with the assurance, that, during the approaching civil wars of England, they might easily possess themselves of whatever plantations they pleased to appropriate. But Lord Baltimore, partly by a steady application of the laws, and partly by the influence of the tidings which were received of the king's triumph over his opponents at the dissolution of the Oxford Parliament, was able as yet to preserve, even without a struggle, the tranquillity of the province. Fendal was tried for his seditious practices in the year 1681 ; and though the provincial laws annexed the penalty of death to the offence of which he was convicted, he was now only fined, and banished from Maryland for ever. But unfortunately his influence was not banished with his person ; and one of his associates, John Coode, who was tried along with him, but acquitted, remained behind to renovate at a fitter season those dark intrigues which were dissipated for the present by the last ray of good fortune that attended the proprietary's administration. A few others of the less guilty associates of Fendal and Coode were convicted of sedition, and punished by fine.<sup>1</sup>

The last years of Lord Baltimore's administration were em-

<sup>1</sup> Chalmers.

bittered by the retribution of that injustice in which the establishment of his hereditary jurisdiction began ; and the wrong inflicted half a century before on Virginia was now avenged by the disruption of a considerable portion of the territory that had been allotted to Maryland. If the historian of this transaction were permitted to adapt the particulars of it to his own conceptions of moral consistency, he would ascribe the requital of the Maryland usurpation to other instrumentality than that of the venerable patriarch of Pennsylvania. Such, nevertheless, was the mode of this occurrence ; and as the founder of American toleration committed the encroachment on Virginia, so another illustrious friend of truth, justice, and liberty promoted the retributory partition of Maryland. On the arrival of William Penn in America, a conference took place between him and Lord Baltimore (two of the most prudent and virtuous persons that have ever ruled over mankind) with the purpose of effecting an amicable adjustment of the boundaries of their respective territorial grants. Penn was received by Lord Baltimore with dignified respect and courtesy ; and perhaps that eminent person entertained some degree of corresponding regard for a legislator whose institutions had long afforded a peaceful asylum to persecuted Quakers. The pretensions of the parties, however, were so completely inconsistent with each other, that it proved impossible to adjust them in a manner satisfactory to both. Penn was authorized to appropriate, among other districts, the whole of the peninsula lying between the Bays of Chesapeake and Delaware, which formed a considerable portion of the territory included within the charter of Maryland, and part of which had been colonized by Dutch and Swedish settlers before the commonwealth of Maryland existed. Lord Baltimore's was certainly the juster and more legitimate claim ; but Penn was encouraged to persist in his counter pretension by the declaration of the Committee of Plantations, that it had never been intended to grant to Lord Baltimore any territory except such as at the time was inhabited by savages alone, and that the tract which he now claimed, having been planted by Christians anterior to his grant, was therefore excluded from its intendment, though it might be embraced by its literal construction. The controversy be-

tween these two distinguished men was conducted with a greater conformity to the general principles of human nature than it is pleasing to record. While the conflicting claims were yet unsettled, Penn attempted to appropriate the disputed district ; and as Lord Baltimore insisted that the inhabitants should either acknowledge the jurisdiction of Maryland or abandon their dwellings, proclamations were issued by each of the contending parties, asserting his own exclusive title, and condemnation of the proceedings of his opponent. But the pretensions of Penn, whether sanctioned by the principles of equity or not, were supported by an influence of much greater practical efficacy in regulating extent of dominion and territorial limits. Aware of his superior interest at the English court, he complained of his antagonist to the king and the Duke of York, and prevailed in obtaining a decree of the privy council, adjudging that the litigated region should be divided into two equal parts, one of which was appropriated to himself and the other to Lord Baltimore. This adjudication was carried into effect [1682-1685] ; and the territory which now composes the State of Delaware was thus dismembered from the provincial limits of Maryland.<sup>1</sup>

Meanwhile, the late proceedings against Fendal and his associates ministered occasion of fresh complaints in England against Lord Baltimore for partiality to Roman Catholics. It was in vain for him to represent that the laws of his province gave equal encouragement to persons of every Christian denomination, without dispensing peculiar favor to any ; that in order to conform his administration to the principles of the constitution, he had always endeavoured to distribute the offices of government as equally as possible among Protestants and Catholics ; and that, to allay the jealousy by which the Protestants were disquieted, he had latterly suffered them to engross nearly the whole command of the militia, and to assume the custody of the arms and military stores of the province. From the record of Fendal's trial, he showed that the proceed-

<sup>1</sup> Chalmers. Clarkson's *Life of Penn.* Mr. Clarkson's account of this dispute is very defective, and tends to create an impression of the conduct of Lord Baltimore not less unfavorable than erroneous. The controversy between Lord Baltimore and Penn is resumed and farther illustrated in the history of Pennsylvania, *post*, Book VII., Chap. I.



ings against this individual had been perfectly fair, — nay, so indulgent, that the culprit, impudently protesting against being tried by Catholics, obtained a jury composed entirely of Protestants. Notwithstanding the satisfactoriness of this explanation, the ministers of the king, less desirous of doing justice to others than of shifting the dangerous imputation of *Popery* from themselves, commanded that all the offices of government should in future be committed exclusively to the hands of Protestants, and thus meanly sanctioned the unjust suspicions under which the proprietary government was already laboring. It was less easy for Lord Baltimore to defend himself against another charge which was now preferred against him, and which, having some foundation in truth, involved him in considerable perplexity. He was accused of obstructing the custom-house officers in the collection of the duties imposed by the Navigation Acts ; and it did certainly appear, that, biased perhaps by the desire of alleviating as far as possible the pressure of the commercial restrictions, he had construed them in some points in a manner too favorable to the freedom and wishes of the colonists. While he endeavoured unsuccessfully to maintain the legitimacy of his conduct, he charged the collectors of the customs with wilfully disturbing the commerce and peace of the colony by wanton interference and groundless complaint. It seems probable that this re- crimination was well founded, and that the revenue officers, provoked to find that the unpopularity of their duties prevailed over the respect they conceived due to their station, had labored to convert their own private disagreements with individuals into the occasion of national dispute ; for when, shortly after, a new surveyor-general of the customs in Maryland was appointed, he had the honesty to report that the colonists had been greatly misrepresented with regard to their opposition to the Trade Laws. [1685.] The proprietary, however, incurred a severe rebuke from the king for his erroneous construction of the law. Charles expressed indignant surprise that his service should be obstructed and his officers discouraged by Lord Baltimore, whom he upbraided with the many royal favors conferred on his family, and even threatened with the



visitation of a writ of *quo warranto*.<sup>1</sup> It seems never to have occurred to the English government, nor did Lord Baltimore presume to urge, that the king, in pretending right to exact imposts in Maryland, violated the most express provisions of the royal charter, and claimed to himself what truly belonged to the proprietary.

On the accession of James the Second to the throne of his brother [1685], he transmitted to the colonies a proclamation of this event, which was published in Maryland with partial, but lively and unaffected, demonstrations of joy. The Committee of Plantations had taken so much pains, during the preceding reign, to obtain accurate information of the affairs of the colonies and the temper of their inhabitants, that it was perfectly well known how deeply they were affected by reports from England, and how much provincial disturbance the prospect of confusion in the mother country was apt to engender. When the invasions of Monmouth and Argyle were defeated [June], the king conveyed accounts of these occurrences to the proprietary of Maryland; assigning, as the object of this communication, the prevention of any false rumors which might be propagated among his people in that distant province of the empire, by the malicious insinuations of ill-disposed men. He informed Lord Baltimore, at the same time, in strains of exultation, that the parliament had cheerfully granted to the crown an aid, to be levied by a new tax on the importation of sugars and tobacco,—which, however, he remarked, inferred no new burden on the inhabitants of Maryland, who possessed a high place in his interest and regard, since the imposition was not laid on the planters, but on the retailers and consumers.<sup>2</sup> But the impost could not be disarmed of its injurious efficiency by such royal logic and barren good-will; and both in Virginia and in Maryland it operated to straiten the circumstances and cool the loyalty of the people. As the other impediments of commerce were aggravated in Maryland by the continued prevalence of a scarcity of money, an attempt was now made to remedy this evil by a law “for the advancement of coins.” [1686.] French crowns, pieces of

<sup>1</sup> Chalmers. *State Papers*, ib.

<sup>2</sup> *Ibid.*

eight, and six dollars were appointed to be received in all payments at six shillings each ; all other coins, at an advance of threepence in the shilling ; and the sixpences and shillings of New England, according to their denominations, as sterling.<sup>1</sup> This law first gave rise in Maryland to the peculiarity of provincial currency, in contradistinction to sterling money.

At the same time that the king undertook to subvert the political constitution of England, he determined to overthrow the proprietary governments of the colonies. The existence of such independent jurisdictions, he declared, embarrassed him, in conducting both his domestic and colonial government ; and it was requisite no less to his interest than his dignity, to reduce them to more immediate subjection to the crown. Alarmed by the communication of this arbitrary purpose, the proprietary of Maryland again repaired to England, and vainly represented to the inflexible despot that the administration of his province had been at all times conducted in conformity with the terms of his charter ; that he had never consciously violated his duty to his sovereign ; and that neither he nor his father had committed a single act which could infer the forfeiture of a patent which they had dearly purchased, in adding, at their own risk and expense, a large and flourishing province to the British empire. These remonstrances were disregarded by the king ; and the attorney-general received orders to issue a writ of *quo warranto* against Lord Baltimore's charter. [1687.] The writ was issued accordingly ; but from the dilatory pace of the requisite legal procedure, and the important events that soon after diverted the monarch's attention to nearer concerns, no judgment upon it was ever pronounced.<sup>2</sup> Thus, with relentless and impartial tyranny, which even the predilections of the bigot were unable to control, James, contemning alike the wishes of the Puritans of Massachusetts and of the Catholics of Maryland, involved both in the same undistinguishing system of oppression and degradation. Whether the singular friendship, which, in this monarch and William Penn, seemed to unite the two extremes of human nature, might have suspended for a while the destruction of the institutions

<sup>1</sup> *Laws.*<sup>2</sup> Chalmers.

of Pennsylvania,—this consummation would have infallibly followed in due time ; and the royal regards that Penn shared with Judge Jeffries and Colonel Kirke would have secured him no other advantage than that of being, perhaps, the last of the American proprietaries that was sacrificed. Fortunately for the interests of mankind, bigotry, infatuated by the exercise of tyranny, at length obtained ascendancy over the king's mind ; and, depriving the bigot of the adherents of the tyrant, involved even Jeffries in disgrace, and constrained even the prelates of England to seek protection in the principles of liberty.

The birth of a son to James the Second [1688], which was regarded with mingled skepticism and disappointment by his English subjects, and contributed to hasten the British Revolution, was no sooner communicated by the proprietary (who was still in England) to his officers in Maryland, than it produced a general expression of satisfaction throughout the province. In the assembly, which was convoked on this occasion, a law was passed appointing an annual commemoration of the happy event.<sup>1</sup> If this proceeding seem to indicate the prevalence of a feeling that may be supposed peculiar to the Catholics, other parts of the conduct of the same assembly betrayed with more authentic semblance the existence of those jealousies with which the Protestants were infected, which the mean injustice of the late king's ministers had sanctioned, and which the unfortunate absence of Lord Baltimore now contributed to promote. The burgesses at first demurred to take the oath of fidelity to the proprietary ; and afterwards exhibited to the deputy-governors a remonstrance against certain pretended grievances, which in truth disclosed nothing else than the ill-humor and alarm of the parties complaining ; for the articles were all so vague and so frivolous, and, if true, imported only such petty and easily remediable violations of law and usage, that it is impossible to peruse them without perceiving that the promoters of complaint either industriously sought a cause of quarrel, or had already found one which they were backward to avow. The remonstrance, however, received a

<sup>1</sup> *Laws.*



courteous and obliging answer from the deputy-governors ; and, as its authors were not yet transported by passion beyond the control of reason and common sense, they returned thanks for this issue,<sup>1</sup> and the flame of jealousy and discontent, from the want of any thing which it could presently lay hold of, subsided as abruptly as it had arisen. But the embers remained, and waited only a more suitable juncture to show what a conflagration they were capable of producing. The spirit of party in the province, excited and preserved by religious differences, in an age in which to differ was to dislike and suspect, had been hitherto moderated by the liberal spirit of the laws and the prudent administration of the proprietary. But no sooner were the tidings of the revolution in England conveyed to the province, than those latent heats, aroused by fresh aliment, burst forth in a blaze of insurrectionary violence ; and the agitators who had long been sowing discontent in the minds of their fellow-citizens, now prepared to reap a plentiful harvest in the season of public disorder.

When the deputy-governors of Maryland were first informed of the invasion of England by the Prince of Orange [January, 1689], they judged it expedient to take measures for preserving the tranquillity of the province, where as yet none could foresee, and none had been informed, of the extraordinary issue to which that memorable enterprise was to be conducted. They collected the public arms that were dispersed in the different counties, and imprisoned several persons who were accused of attempts to excite disturbance. But their purposes were completely frustrated by the rumor of a *popish plot*, which suddenly and rapidly disseminated the alarming intelligence, that the deputy-governors and the Catholics had formed a league with the Indians for the massacre of all the Protestants in the province. Confusion, rage, and terror instantly laid hold of the minds of almost all the Protestant colonists ; and every exertion that was made to demonstrate the folly and absurdity of the report proved ineffectual. Like the kindred fiction in England, the tale was corroborated by various unhappily contingent circumstances, that tended wonderfully to

<sup>1</sup> See Note I., at the end of the volume.



support the general delusion. Though Lord Baltimore received orders to proclaim William and Mary, which he readily promised and prepared to obey, yet some cross accident or treacherous machination intercepted the relative commands which he punctually transmitted to his deputies; and they still awaited official orders respecting this important transaction, long after the corresponding proclamation was published in Virginia. It happened unfortunately, too, that the time had now arrived when it was usual to repeat the annual confirmation of the existing treaty of peace with the Indians. These occurrences, distorted by the arts of the factious and the credulity of the timid, increased the prevailing panic, and accelerated the explosion it had threatened to produce. A *Protestant Association* was formed [April, 1689] by John Coode, who had already illustrated his genius for sedition as the accomplice of Fendal; and soon gaining strength from the accession of numerous votaries, took arms under this worthless leader for the defence of the Protestant faith and the vindication of the royal title of William and Mary. A declaration or manifesto was published by the associators, replete with charges against the proprietary, that reflect the utmost dishonor on their own cause. The reproaches of tyranny and wickedness, of murder, torture, and pillage,<sup>1</sup> with which Lord Baltimore is loaded in this production, are refuted not only by the gross inconsistency between such heinous enormities and the recent limitation of the public grievances to the frivolous complaints exhibited to the deputy-governors, but by the utter inability of the associators to establish by evidence any one of their charges, even when the whole power and authority of the provincial government were in their own hands. With matchless impudence and absurdity, the affronts formerly complained of by the custom-house officers were now recited as injuries inflicted on the province by Lord Baltimore, — who, if he ever participated in them at all, must have been induced to do so by resentment of the real grievance inflicted on his people by the policy of the parent state. A charge of this description,

<sup>1</sup> "If the Papists," says Hume, "have sometimes maintained, that no faith was to be kept with heretics, their adversaries seem also to have thought that no truth ought to be told of idolaters!"

however artfully calculated to recommend the cause of the associators to the favor of the British government, would never have suggested itself to a passionate multitude ; and it is probable that the whole composition was the work of Coode, whose subsequent conduct showed how little he participated in the popular feelings, which he was able notwithstanding to excite and direct with such energy and success. The deputies of Lord Baltimore endeavoured at first to oppose by force the designs of the associators ; but as the Catholics were afraid to justify the prevalent rumors against themselves by taking arms, and as the well-affected Protestants showed no eagerness to support a falling authority, they were compelled to deliver up the provincial fortress, and surrender the powers of government, by capitulation. The king, apprized of these transactions, hastened to express his approbation of them, and authorized the leaders of the insurgents to exercise in his name the power they had acquired, until he should have leisure to settle the administration of affairs on a permanent basis. Armed with this commission, Coode and a junto of his confederates continued for three years after to conduct the government of Maryland, with a predatory tyranny, that exemplified the demerits they had falsely imputed to the proprietary, and produced loud and numerous complaints from persons of every religious denomination in the province.<sup>1</sup> Thus, even in the midst of their own insolent triumph, the Maryland Protestants were unable to escape entirely the visitation of retributive justice.

King William, meanwhile, endeavoured to gain the same advantage to the royal authority in Maryland, which the tyranny of his predecessor bequeathed to him in Massachusetts. But to persist in the iniquitous process of *quo warranto* was no longer feasible ; and all that could be done was to summon Lord Baltimore to answer before the privy council the complaints expressed in the manifesto of the associators. After a tedious investigation, which loaded this nobleman with a heavy expense, it was found impossible to convict him of any other charge than that of differing in religious opinion from the men

<sup>1</sup> Chalmers.

by whom he was so ungratefully persecuted and so calumniously traduced. He was accordingly suffered to retain the patrimonial interest attached by his charter to the office of proprietary, but deprived by an act of council of the political administration of the province, of which Sir Edmund Andros was at the same time appointed governor by the king.<sup>1</sup> [1692.] The unmerited advancement of this man was not less discreditable to the British court than the unjust deposition of the proprietary. Lord Baltimore, having exercised his power with a liberal respect for the freedom of other men's consciences, now parted with it from a noble regard to the sanctity of his own. Andros, who had previously gained elevation by his active subserviency to a Catholic despot, now purchased its continuance by rendering himself instrumental to Protestant intolerance.

In this manner fell the proprietary government of Maryland, after a duration of fifty-six years, during which it was conducted with unexampled mildness, and with a regard to the liberty and welfare of the people, deserving a very different requital from that which we have had the pain of reviewing. The slight notice which the policy of Lord Baltimore has received from the philosophic encomiasts of liberal institutions attests the capricious distribution of fame, and has probably been occasioned by dislike of his religious tenets, which, it was feared, would share the commendation bestowed on their votary. It was apprehended, perhaps, that the charge of intolerance, so strongly preferred by Protestants and philosophers against Catholic potentates and the Romish Church, would be weakened by the praise of a toleration which Catholics established and Protestants overthrew. But, in truth, every deduction that is made by the most uncharitable of their adversaries from the liberality of Catholics in general, and every imputation that is more or less justly thrown on the ordinary influence of their tenets in contracting the mind, ought to magnify the merit of Lord Baltimore's institutions, and enhance the praise by

<sup>1</sup> Oldmixon. "I know not how it happened, but so it was, that in King William's reign, Queen Anne's, &c., there were periods when the friends or tools of the abdicated king were more hearkened to than the instruments of the Revolution." *Ibid.* (2d edition). It is to the first edition of Oldmixon's work that I refer, when the second is not expressly designated.



illustrating the rarity of his virtue. One of the most respectable features of the proprietary administration was the constant regard that was shown to justice, and to the exercise and cultivation of benevolence, in all transactions and intercourse with the Indians. But though this colony was more successful than the New England States (who conducted themselves no less unexceptionably towards the Indians) in avoiding war with its savage neighbours, yet we have seen that it was not always able to avert this extremity. In Maryland as well as in New England, doubtless, the pacific endeavours of the colonists were counteracted, not only by the natural ferocity of the Indians, but by the hostilities of other Europeans, by which that ferocity was, from time to time, enkindled and developed. Yet the Quakers of Pennsylvania, who were exposed to the same disadvantage, escaped its evil consequences, and were never attacked by the Indians. Relying implicitly and exclusively on the protection of Heaven, they renounced every act or indication of self-defence that could awaken the contentiousness of human nature, or excite apprehensive jealousy, by ostentation of the power to injure. But the Puritan and Catholic colonists of New England and Maryland, while they professed and exercised good-will to the Indians, adopted the hostile precaution of demonstrating their readiness and ability to repel violence. They displayed arms and erected forts, and thus provoked the suspicion they expressed, and invited the injury they anticipated.

Before toleration was defended by Locke, it was practically established by Lord Baltimore; and in the attempts which both of these eminent persons made to construct the frame of a wise and liberal government in America, it must be acknowledged that the Protestant philosopher was greatly excelled by the Catholic nobleman.<sup>1</sup> The constitutions of William Penn have

<sup>1</sup> At a social entertainment, where Sir Isaac Newton, John Locke, and William Penn happened to meet together, the conversation turned on the comparative excellence of the governments of Carolina and Pennsylvania. Locke ingenuously yielded the palm to Penn (Clarkson's *Life of Penn*), and would doubtless have yielded it to Lord Baltimore. But Penn's reputation (from the interest which the Quakers have felt in promoting it, and the willingness of philosophers to acknowledge him as an ally) has been much better protected than that of Lord Baltimore: and to this, perhaps, may be ascribed the very different treatment which the descendants of these proprietaries experienced from the communities of which they were the chiefs at the period of the



been the theme of general panegyric; but of those who have commended them, how few have been found to celebrate or even acknowledge the prior establishment of similar institutions by Lord Baltimore!<sup>1</sup> Assimilated in their maxims of government, these two proprietaries were assimilated in their political fortunes; both having witnessed an eclipse of their popularity in America, and both being dispossessed of their governments by King William. Penn, indeed, was restored a few years after: but Lord Baltimore's deprivation continued during his life. On his death, in 1716, his successor, being a Protestant, was restored to the enjoyment of proprietary powers. These powers, however, had in the interim sustained some abatement from an act of the English parliament,<sup>2</sup> which applied not only to this but to all the other feudatory principalities in North America, and rendered the royal sanction necessary to confirm the nomination of the proprietary governors.

Immediately after his appointment to the office of governor, Sir Edmund Andros repaired to Maryland, where he convoked an assembly, in which the title of William and Mary was recognized by a legislative enactment, and in which an attempt was made to divest the proprietary of the port-duties that were settled on his family in the year 1661. The assembly now made a tender of the produce of this tax to the king, alleging, that, although the provision was granted in general terms to the

American Revolution. The proprietary of Maryland was then a minor; yet his estates were confiscated, and no indemnification could ever be obtained. (Winterbotham.) The descendants of Penn, after a long series of quarrels with the people, embraced the cause of Britain; yet the legislature of Pennsylvania indemnified them in the most liberal manner for the loss of their property. (Brissot's *Travels*.)

<sup>1</sup> From one English poet the two proprietaries have received an equal tribute of praise:—

“Laws formed to harmonize contrarious creeds,  
And heal the wounds through which a nation bleeds;  
Laws mild, impartial, tolerant, and fixed,  
A bond of union for a people mixed:

Such as good Calvert framed for Baltimore,  
And Penn, the Numa of the Atlantic shore.” — Burroughs.

<sup>2</sup> 7 and 8 Will. III., Cap. 22, § 16. This was the first instance in which the English parliament assumed the right of modifying the charter and altering the constitution of an American province. — By another clause in the same statute, it was enacted, “that on no pretence whatever any kind of goods from the English American plantations shall hereafter be put on shore either in the kingdoms of Ireland or Scotland, without being first landed in England, and having also paid the duties there, under the penalty of a forfeiture of the ship and cargo.” The Union in 1707 rendered this restriction void, in so far as related to Scotland.

proprietary, the real intention of the legislature had been to confer it merely as a trust for the uses of the public. The king, however, declined to accept the offer, or sanction the assembly's construction of the grant; Sir John Somers, to whom the legitimacy of the proposition was referred, having pronounced as his opinion that the duty truly belonged to Lord Baltimore, and was intended for his own use, and that it would be of dangerous consequence to admit parol proof of legislative intention, contradictory of the plain meaning of the words of enacted law. The ingratitude which was thus manifested towards the proprietary met with a just retribution from the administration of Andros, who, though he subsequently approved himself a good governor in Virginia, exercised much severity and rapacity in Maryland. Not the least offensive part of his conduct was, that he protected Coode against the complaints he had provoked, and enabled this profligate hypocrite a little longer to protract the period of his impunity. But Coode's fortunes soon became more appropriate to his deserts. Finding himself neglected by Colonel Nicholson, the lieutenant and successor of Andros, he began to practise against the royal government the same treacherous intrigues that he had employed with success against the proprietary administration. Inferior in talent to Bacon, the disturber of Virginia, and far inferior in sincerity to Leisler, the contemporary agitator of New York, Coode was chiefly indebted for his success to the implicit reliance which he placed on the influence of panic and the extent of popular credulity. He had an unbounded confidence in the power of copious and persevering calumny, and endeavoured to impress it as a maxim on his disciples in sedition, that, "if plenty of mud be thrown, some of it must infallibly stick." In 1695, this president of the Protestant Association of Maryland was indicted for treason and blasphemy; and, justly apprehending that he would be treated with less lenity under the Protestant, than he formerly experienced under the Catholic administration, he declined to stand a trial, and fled from the province which he had contributed so signally to dishonor.<sup>1</sup>

<sup>1</sup> Oldmixon. Chalmers. Among other expressions that Coode's indictment laid to his charge, as constituting the offence of blasphemy, he was accused of

The suspension of the proprietary government was accompanied with a notable departure from the principles on which its administration was previously conducted. The political equality of religious sects was disallowed, and the toleration that had been extended to every form of Christian worship was abolished. The Church of England was declared to be the established ecclesiastical constitution of the state ; and an act passed in the year 1692 having divided the several counties into parishes, a legal maintenance was assigned to a minister of this communion in every one of these parishes, — consisting of a glebe, and an annual tribute of forty pounds of tobacco from every Christian male, and every male or female negro above sixteen years of age. The appointment of the ministers was vested in the governor, and the management of parochial affairs in vestries elected by the Protestant inhabitants. For the instruction of the people, free schools and public libraries were established by law in all the parishes ; and an ample collection of books was presented to the libraries, as a commencement of their literary stock, by the Bishop of London. This design was originally suggested by Dr. Thomas Bray, an English clergyman, who distinguished himself by the zeal and activity with which he labored to extend the doctrine and authority of the church of England, both in this, and the other North American colonies. But notwithstanding all these encouragements to the cultivation of knowledge, and the rapid increase of her wealth and population, it was not till after her separation from the parent state, that any considerable academy or college was formed in Maryland. All Protestant Dissenters were admitted to partake the full benefit of the act of toleration passed in the commencement of William and Mary's reign by the English parliament. But this grace was strictly withheld from the Roman Catholics ; and the Protestants, who thus enacted toleration to themselves, with the most impudent injustice and unchristian cruelty denied it to the men by whose toleration they had been permitted to gain an establishment in the province. Sanctioned by the authority, and instructed by

having said " that there was no religion but what was in Tully's *Offices*." To make these words the more intelligible, the indictment illustrated them by this innuendo, " that they were spoken of *one Tully*, a Roman orator meaning."



the example of the British government, the legislature of Maryland proceeded, by the most tyrannical persecution of the Catholics, to confirm and disgrace the Protestant ascendancy. Not only were these unfortunate victims of a conscientious belief, which the actions of their opponents contributed additionally to fortify, excluded from all participation in political privileges, but they were debarred from the exercise of their peculiar form of worship, and from the advantages of education. By an act of the provincial assembly, passed in the year 1704, and renewed in the year 1714, it was ordained that any Catholic priest, attempting to convert a Protestant, should be punished with fine and imprisonment ; and that the celebration of mass, or the education of youth by a Papist, should be punished by transmission of the offending priest or teacher to England, that he might there undergo the penalties which the English statutes attached to such conduct. Transported by their eagerness to deprive the Catholics of liberty, the Protestants of Maryland seem not to have perceived that this last measure tended to subvert their own pretension to independent legislation. They maintained that the statutes of the English parliament did not extend, by the mere operation of their own intrinsic authority, to Maryland ; and in conformity with this notion, we find an act of assembly, in the year 1706, giving to certain English acts of parliament the force of law within the province. But it was manifestly inconsistent with such pretended independence to declare any of the colonists amenable to the peculiar jurisprudence of England, for actions committed in the province and not punishable by the provincial laws. Though laws thus unjust and oppressive were framed, it was found impossible to carry them into complete execution. Shortly after the act of 1704 was passed, the assembly judged it expedient to suspend its enforcement so far as to admit of Catholic priests performing their functions in private houses ; and the act of 1714 was suspended in a similar manner, in consequence of an express mandate to the assembly from Queen Anne.<sup>1</sup>

Thus were the Catholics of Maryland, under the pretence

<sup>1</sup> Smollett's *History of England. Acts of the Assembly of Maryland, from 1692 to 1715.*



of vices which none exemplified more forcibly than their persecutors, deprived of those privileges, which, for more than half a century, they had exercised with unparalleled justice and moderation. In addition to the other odious features of the treatment they experienced, there was a shameful violation of national faith in suffering Protestant persecution to follow them into the asylum from its severity, which they had been encouraged to seek, and with laborious virtue had established. Sensible of this injustice, or rather, perhaps, willing to induce the Catholics, whom they had determined not to tolerate at home, to expatriate to Maryland, the British government continued from time to time to set bounds to the exercise of that provincial bigotry which its own example had prompted and its own authority still maintained. From the still more unjust and perfidious treatment which the Catholics of Maryland beheld their brethren in Ireland undergo from Great Britain they might derive at least the consolation of perceiving that they themselves were not delivered up to the utmost extremity of Protestant tyranny and intolerance.

Before the overthrow of the Catholic church in Maryland, its clergy had signalized themselves by some attempts to convert the Indians to the Christian faith; but their endeavours have been represented as being neither judicious nor successful. Eager to prevail on the savages to receive the formalities, before they were impressed with the substance of Christian faith, they are said to have administered the rite of baptism to persons who understood it so little, that they considered their acceptance of it as a favor they conferred on the missionaries in return for the presents they received from them, and used to threaten to renounce their baptism unless these presents were repeated.<sup>1</sup> But if the Catholics of Maryland were chargeable with a superstitious forwardness to administer this rite, some of their Protestant fellow-colonists betrayed sentiments far more inexcusable, in their determination to withhold it. An act of assembly, passed in the year 1715, recounts that many people refused to permit their slaves to be baptized, in consequence of an apprehension that baptism would entitle

<sup>1</sup> Neal's *New England*.

them to their freedom ; and accordingly, to overcome their reluctance, ordains that no negro receiving the holy sacrament of baptism should derive therefrom any right or claim to be made free.<sup>1</sup> It was the peculiar unhappiness of the lot of the Maryland Protestants, that they were surrounded at the same time by Catholics, whom they were incited to persecute, and by slaves, whom they were enabled to oppress ; and it was not till some time after the Revolution of 1688, that they began to show more genuine fruits of the tenets they professed, than the persecution of those who differed from them in religious opinion.<sup>2</sup>

At the close of the seventeenth century, the population of Maryland amounted to thirty thousand persons ; and whether from superiority of soil, or industry, or from the absence of laws restrictive of cultivation, this province is said to have exported at least as much tobacco as the older and more populous province of Virginia. At a later period, a law was passed, prohibiting the cultivation on any estate of a greater quantity than six thousand plants of tobacco for every taxable individual upon the estate. Maryland was the first of the provinces in which the right of private property was from the beginning recognized in its fullest extent ; and community of possessions had never even a temporary establishment. This peculiarity, it is probable, contributed to promote the peculiar industry by which the people of Maryland have been distinguished. In the year 1699, Annapolis was substituted for St. Mary's, as the capital of the province ; and all roads leading thither were ordered to be marked by notches cut on the trees growing on either hand : but the same causes that prevented the growth of towns in Virginia also repressed their rise in Maryland. There were few merchants or shopkeepers who were not also planters ; and it was the custom for every man to maintain on his plantation a store for supplying the usual accommodations of shops to his family, servants, and slaves.<sup>3</sup> Living dispersed over the province, and remote from each other, the effects of their comparative solitude are said to have been generally visible in the physiognomy, manners, and apparel of the planters ; their aspect expressing less cheerful frankness, their demeanour less

<sup>1</sup> *Acts of the Maryland Assembly, from 1692 to 1715.*

<sup>2</sup> Oldmixon.

<sup>3</sup> Oldmixon. *History of the British Dominions in America.*

vivacity, their dress less attention to neatness, and their whole exterior less *urbanity*, than were found in those colonies where cities engendered and diffused the graceful quality to which they have given a name. But even those who have reproached them with this defect have not failed to recognize a more respectable characteristic of their situation, in that hospitality by which they were universally distinguished.<sup>1</sup> At a later period, the towns of Maryland seemed to acquire a sudden principle of increase ; and Baltimore, in particular, has grown with a rapidity unrivalled even in the United States. In none of the provinces have the effects of a wise or illiberal system of government been more plainly apparent than in Maryland. For nearly a century after the British Revolution, difference in religious opinion proved a source of animosity, and was made the apology for injustice ; and during all that period, not one considerable seminary of learning arose in the province. Within a few years after the return of equal laws and universal toleration, in the train of American independence, the varieties of doctrinal opinion among the people served but to illustrate religious charity ; numerous colleges and academies were founded ; and the same people among whom persecution had lingered longest became distinguished for a remarkable degree of courteous kindness, liberal indulgence, and generous humanity.<sup>2</sup>

During the suspension of the proprietary government, the legislature of the province consisted of three branches ; after its revival, of four : the proprietary, the governor, the council, and the burgesses. The proprietary, besides a large domain cultivated by himself, enjoyed a quitrent of two shillings sterling yearly for every hundred acres of appropriated land. This was increased at an after period to four shillings in some districts ; and an unsuccessful attempt was made to raise it as high as ten shillings. The proprietaries, it must be confessed, had received little encouragement to rely on the recompense of popular gratitude, and persist in their original moderation and

<sup>1</sup> Winterbotham. "That pride which grows on slavery, and is habitual to those who from their infancy are taught to believe and feel their superiority, is a visible characteristic of the inhabitants of Maryland." *Ibid.*

<sup>2</sup> Warden's *Account of the United States.*



liberality. The salaries of the governor and deputy-governor consisted of official fees, and a tax on exported tobacco, decreed to them successively on their appointment to office, and proportioned to their popularity. The council consisted of twelve persons, appointed by the proprietary, and, during the abeyance of his political rights, by the royal governor; each of whom received, during the session of the assembly, an allowance of one hundred and eighty pounds of tobacco daily from the province. The house of representatives or burgesses consisted of four members from each of the counties, and two from the capital; the daily allowance of each of them being one hundred and sixty pounds of tobacco. From the decisions of the provincial courts, in all cases involving property to the amount of three hundred pounds, an appeal was admitted to the king in council. The office of the selectmen in New England was performed in Maryland by the parochial vestries, which engrossed the management of all the public affairs of their districts, and which soon betrayed an entire departure from the popular principle of their original constitution; for, though at first elected by the inhabitants, the vestrymen held their office for life, and very early assumed the privilege of renovating their own body, and supplying its vacancies by their own appointment.<sup>1</sup> In the year 1704, it was provided by "An act for the advancement of the natives and residents of this province," that no office of trust, except those that were conferred by immediate commission from the crown, could be held by any person who had not previously resided three years in the colony.<sup>2</sup>

The situation of slaves and of indented servants appears to have been very much the same in Maryland as in Virginia. Any white woman, whether a servant or free, becoming pregnant from the embrace of a negro, whether a slave or free, was punished with a servitude of seven years; and the children of "those unnatural and inordinate connexions" (as they were termed by law) were doomed to servitude till they should attain the age of thirty-one. A white man begetting a child by a negress was subjected to the same penalty as a white woman

<sup>1</sup> *History of the British Dominions in America.*

<sup>2</sup> *Acts of Assembly, from 1692 to 1715.*



committing the corresponding offence.<sup>1</sup> Thus pride produced in Maryland regulations, less extensive, indeed, in their range, but not less rigid in their operation, than those which piety had established in New England. An indentured servant, at the expiration of his dependence, was entitled to demand an ample allowance of various useful commodities from his master, some of which he was prohibited, under a penalty, from selling for twelve months after his emancipation.<sup>2</sup> A tax was imposed on the importation of servants from Ireland, "to prevent the importing too great a number of Irish Papists into this province."<sup>3</sup>

To obstruct the evasion of provincial debts or other obligations, by flight to England, or to the other American States, all persons preparing to leave the colony were required to give public intimation of their departure, and obtain a formal passport from the municipal authorities.<sup>4</sup> An act was passed in the year 1698, bestowing a large tract of land in Dorchester county on two Indian kings, who, with their subjects, were to hold it as a fief from the proprietary, and to pay for it a yearly rent of one bear-skin. In common with the other colonies, Maryland was much infested by wolves; and so late as the year 1715, a previous act was renewed, offering "*the sum of three hundred pounds of tobacco*" as a reward for every wolf's head that should be brought by any colonist or Indian to a justice of the peace.<sup>5</sup> An act proposing a similar recompense had been passed in Virginia, but was repealed in the year 1666.

<sup>1</sup> *Acts of the Assembly, from 1692 to 1715.*

<sup>2</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>2</sup> *Ibid.*

<sup>5</sup> *Ibid.*

BOOK IV.

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PLANTATION AND PROGRESS

OF

NORTH AND SOUTH CAROLINA,

TILL THE BEGINNING OF

THE EIGHTEENTH CENTURY.

BOOK 11

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TWO VOLUMES



## BOOK IV.

### NORTH AND SOUTH CAROLINA.

#### CHAPTER I.

Early Attempts of the Spaniards and the French to colonize this Territory. — First Charter of Carolina granted by Charles the Second to Lord Clarendon and others. — Formation of Albemarle Settlement in North Carolina. — Settlement of Ashley River in South Carolina. — Second Charter of the whole United Province. — Proceedings at Albemarle. — The Proprietaries enact the Fundamental Constitutions of Carolina. — Expedition of Emigrants to South Carolina. — John Locke created a Landgrave. — Hostilities with the Spaniards in Florida — and with the Indians. — Disgusts between the Proprietaries and the Colonists. — Affairs of North Carolina. — Culpepper's Insurrection. — He is tried in England — and acquitted. — Discord among the Colonists. — Sothel's tyrannical Administration. — He is deposed.

WE have beheld New England colonized by Puritans exiled by royal and episcopal tyranny ; Virginia replenished by cavalier and episcopal fugitives from republican triumph and Puritan ascendancy ; and Maryland founded by Catholics retiring from Protestant intolerance. By a singular coincidence, the settlement whose history we are now to investigate originally seemed to have been destined to complete this series of reciprocal persecution ; and if the first colonists who were planted in it had been able to maintain their establishment, Carolina would have been peopled by Huguenots flying from Catholic bigotry.<sup>1</sup>

This territory has been contested by a variety of pretensions and distinguished at successive periods by a variety of names.

<sup>1</sup> At a subsequent period, the descendants of one of the most illustrious people of antiquity were induced to seek a refuge in America from Turkish oppression. In the latter part of the eighteenth century, Sir William Duncan, an eminent English physician, conceived the project of founding a Grecian colony in North America, and actually transported, for this purpose, several hundred Greeks to East Florida. Galt's *Letters from the Levant*.

The claim of England to the first discovery of it was disputed by the Spaniards, who maintained that Cabot never advanced so far to the south, and that it had been yet unvisited by any European, when Ponce de Leon, the Spanish governor of Porto Rico, arrived on its shores [1512], in the course of a voyage he was making in quest of a land which was reported to contain a brook or fountain endowed with the miraculous power of restoring the bloom and vigor of youth to age and decrepitude.<sup>1</sup> Believing that he had here attained the favored region, he hastened to take possession, in his sovereign's name, of so rare and valuable an acquisition. He bestowed on it the name of Florida, either on account of the vernal beauty that adorned its surface, or because he discovered it on the Sunday before Easter, which the Spaniards call *Pascua de Flores*; but, though he chilled his aged frame by bathing in every stream that he could find, he had the mortification of returning an older instead of a younger man to Porto Rico. A few years afterwards, another Spanish officer, who was sent to inspect more minutely the territory supposed to have been thus newly discovered, performed an exploit too congenial with the contemporary achievements of his countrymen, in kidnapping a number of the natives, whom he carried away into bondage. Some researches for gold and silver, undertaken shortly after by succeeding adventurers of the same nation, having terminated unsuccessfully, the Spaniards seemed to have renounced the intention of any immediate settlement in this region, and left it to repose under the shadow of the name they had bestowed, and to remember its titular owners by their cupidity and injustice.

The whole of its coast was subsequently [1523–1525] explored with considerable accuracy by Verazzan, an Italian navigator, employed in the service of the French, and whom Francis the First<sup>2</sup> had commissioned to attempt the discovery of new territories in America for the benefit of his crown. But

<sup>1</sup> An account of a fountain in Ethiopia endowed with similar efficacy (manifestly little credited by the relater) occurs in Book III. of the *History* of Herodotus.

<sup>2</sup> The kings of Spain and Portugal remonstrated against the projects of Francis as a direct impugnation of ecclesiastical authority. To this remonstrance the French monarch is said to have pleasantly replied, "I should be glad to see the clause in Adam's will, which makes that continent their exclusive inheritance." Raynal.

the colonial projects of the French were suspended during the remainder of this reign, by the wars and intrigues which were conducted with such eager and obstinate rivalry between Francis and the Emperor Charles the Fifth.<sup>1</sup> During succeeding reigns, they were impeded by still more fatal obstructions ; and all the benefit that France might have derived from the territory explored by Verazzan and neglected by the Spaniards was postponed to the indulgence of royal and papal bigotry in a war of extermination against the Huguenots. The advantages, however, thus disregarded by the French court, were not overlooked by the objects of its persecution ; and in process of time, the project of appropriating a part of that territory as a retreat for French Protestants was embraced by one of their leaders, the renowned Admiral Coligni. [1562.] Two vessels which he equipped for this purpose were accordingly despatched with a band of Protestant emigrants to America, who landed at the mouth of Albemarle River, and in honor of their sovereign (Charles the Ninth), gave the country the name of Carolina, — a name which the English first obliterated and finally restored. Though the French colonists had only to announce themselves as strangers to the faith and the race of the Spaniards, in order to obtain a friendly reception from the Indians, they suffered so many privations in their new settlement, from the inability of the admiral to furnish them with adequate supplies, that, after a short residence in America, they were compelled to return to France.

A treacherous pacification having been negotiated, meanwhile, between the French court and the Protestants, Coligni employed the interval of repose, and the unwonted favor which the king affected to entertain for him, in providing a refuge for his party from that tempest, which, though unhappily for himself he did not clearly foresee, yet his sagacity and experience en-

<sup>1</sup> A slight demonstration was made by Francis, in the year 1540, of an intention to colonize a different quarter of America, by the letters patent which he then granted to Jacques Quartier for the establishment of a colony in Canada. But the French made no permanent settlement even there till the reign of Henry the Fourth. Escarbot's *History of New France*. Champlain's *Voyage*. In the commission to Quartier, the territory is described as "possessed by savages living without the knowledge of God or the use of reason." Yet Pope Paul the Third had previously by a solemn decree pronounced the American Indians to be rational creatures, possessing the nature and entitled to the rights of men.



abled him partially to anticipate. Three ships, furnished by the king, and freighted with another detachment of Huguenots, were again despatched to Carolina [1564], and followed soon after by a more numerous fleet with additional settlers and a copious supply of arms and provisions. The assistance which the king of France thus vouchsafed to the Huguenots reminds us of the similar policy by which Charles the First promoted, in the following century, the departure of the Puritans from England. The French monarch was a little more liberal than the English, in the aid which he granted; but he was infinitely more perfidious and cruel in the design which he secretly entertained. Befriended by the Indians, and vigorously applying themselves to the cultivation of their territory, the colonists had begun to enjoy the prospect of a permanent and happy establishment in Carolina, when they were suddenly attacked by a force despatched against them by the king of Spain. The commander of the Spanish troops, having first induced them to surrender as Frenchmen, put them all to the sword as heretics; announcing, by a placard erected at the place of execution, that this butchery *was inflicted on them not as subjects of France, but as followers of Luther*. Nearly a thousand French Protestants were the victims of this massacre; and only one soldier escaped to carry tidings to France, which charity does not oblige us to believe communicated any surprise to the projectors of the league of Bayonne and the massacre of St. Bartholomew.<sup>1</sup> Though the colony had been planted with the approbation of the French court, and peace subsisted at the time between France and Spain, the assault and extirpation of the colonists produced no demonstration of resentment from the French government, and would have been totally unavenged in this world, if De Gorgues, a French nobleman, incensed at such heinous insolence and barbarity, had not determined to vindicate the claims of justice and the honor of his country. Having fitted out three ships at his own expense [1567], he set sail for Carolina, where the Spaniards, in careless security, possessed the fort and settlement which they had acquired by the murder of

<sup>1</sup> Coligni, in conjunction with John Calvin, made attempts on a larger scale to colonize South America with French Huguenots. But the settlement that he planted in this quarter, also, was subverted by treachery and violence. Southey's *History of Brazil*.



his countrymen. He easily obtained the coöperation of the neighbouring Indians, and with their assistance overpowered and put to the sword all the Spaniards who resisted his enterprise, and hanged all whom he made prisoners on the nearest trees ; erecting, in his turn, a placard which announced that this execution *was inflicted on them not as Spaniards, but as murderers and robbers*. Having thus accomplished his purposed vengeance, he returned to France ; first razing the fort to the ground and destroying every trace of the settlement, which neither Frenchmen nor Spaniards were destined ever again to occupy.<sup>1</sup> Religious dissensions excited a much greater degree of mutual hatred and of public confusion in France than in England, and were proportionally unfavorable to French colonization. Canada, which was the first permanent occupation of the French in America, was not colonized till six years after Henry the Fourth had issued the memorable edict of Nantes.

About eighteen years after the destruction of the French colony founded by Coligni, there was planted, within the same territorial limits, in the isle of Roanoke, the first settlement established by Raleigh, of whose enterprises we have remarked the progress and the fate in the early history of Virginia. There was an analogy between the fortunes of their colonial enterprises, as well as between the personal destinies of the two illustrious adventurers ; and, transient as it proved, it was still the most lasting trace of his exertions witnessed by Raleigh, that the name of the country was changed by the English from Carolina to Virginia, — a name of which we have already traced the final application and peculiar history.<sup>2</sup> Even the subsequent

<sup>1</sup> L'Escarbot. Millot's *History of France*. Oldmixon. Hewit. Williamson. The French, however, retained their pretensions to the country. D'Aubigny, the father of Madame Maintenon, having formed the purpose of establishing himself in Carolina, found he had incurred the serious displeasure of the French court for having solicited the permission of the English government. Voltaire's *Age of Louis the Fourteenth*. Voltaire is mistaken in supposing that the daughter of this adventurer, who afterwards became queen of the country where she had been born in a prison, received her early education in Carolina, where as yet there were none but savage inhabitants. It was to Martinique that her father actually removed himself and his family. *Mémoires et Lettres de Maintenon*. *Vie de M. Maintenon*.

<sup>2</sup> The denomination, which, in honor of himself, he conferred on a projected town (see *ante*, Book I., Chap. I.), was revived and bestowed upon an actual city, more than two hundred years after ; when, by an ordinance of the legislature of North Carolina, the name of Raleigh was given to the seat of government of this province.

and more durable colonial appropriations of the English did not extend to this territory, till the year 1622, when a few planters and their families, flying from the hostilities of the Indians in Virginia and New England, sought refuge within its limits, and are said to have acted the part of Christian missionaries in their new settlement with some promising appearance of success. They suffered extreme hardship from scarcity of provisions, and were preserved from perishing by the generous contributions of the people of Massachusetts, whose assistance they implored. An attempt was made to assume a jurisdiction over them by Sir Robert Heath, attorney-general to Charles the First, who obtained from his master a patent of the whole of this region by the name of *Carolana*. But as he neglected to execute the powers conferred on him, the patent was afterwards declared to be vacated by his failure to perform the conditions on which it was granted.<sup>1</sup> Much collision and contestation between claimants and occupiers of colonial territory would have been prevented, if the principle of this adjudication had been more generally extended and more steadily enforced.

The country which so many unsuccessful attempts had been made to colonize was finally indebted for its cultivation to a project formed by certain courtiers of Charles the Second for their own aggrandizement, but which they were pleased to ascribe to a generous desire of propagating the blessings of religion and civility in a barbarous land. An application, couched in these terms [1663], having been presented to the king by eight of the most eminent persons whose fidelity he had experienced in his exile, or whose treachery had contributed to his restoration, easily procured for them a grant of that extensive region, situated on the Atlantic Ocean, between the thirty-sixth degree of north latitude and the river Saint Matheo. This ter-

<sup>1</sup> Coxe's *Description of Carolana*. Hutchinson. Oldmixon. Chalmers. Heath had previously sold his patent to the Earl of Arundel and Surrey, who made expensive preparations for founding a colony, but was diverted from his design by a domestic calamity. Daniel Coxe, a physician in London, who, at the close of the seventeenth century, became an extensive purchaser of proprietary rights in North America, contrived, among other acquisitions, to obtain an assignation to Sir Robert Heath's patent; and maintained, with the approbation of King William's ministers, that this patent was still a valid and subsisting title, in so far as it embraced territory occupied by the Spaniards, and not included in any posterior English patent. His son (author of the *Description*) resumed his father's claims, and made various unsuccessful attempts to colonize the territory which he persisted in denominating *Carolana*. Coxe.

ritory was accordingly declared an English province, by the name of Carolina, and conferred on the Lord Chancellor Clarendon, Monk, Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Ashley (afterwards Earl of Shaftesbury), Sir George Carteret, Sir John Colleton, and Sir William Berkeley, the brother of Lord Berkeley, and already introduced to our acquaintance as governor of Virginia ; *who* (as the charter set forth), *being excited with a laudable and pious zeal for the propagation of the gospel, have begged a certain country in the parts of America not yet cultivated and planted, and only inhabited by some barbarous people who have no knowledge of God.* The territory was bestowed on these personages, and their heirs and assigns, as absolute lords proprietaries for ever, saving the sovereign allegiance due to the crown ; and they were invested with as ample privileges and jurisdiction within their American palatinate, as the Bishop of Durham enjoyed within his diocese. This charter, composed by the parties themselves who received it, seems to have been copied from the prior charter of Maryland, — the most liberal in the communication of privileges and authority that had ever been granted by an English monarch.

A meeting of all the proprietaries who were in England was held soon after, for the purpose of concerting the best means of carrying the purposes of their charter into effect ; when a joint stock was formed by general contribution for transporting emigrants and defraying other preliminary expenses. At the desire of the New England settlers, who already inhabited the province, and had stationed themselves in the vicinity of Cape Fear, the proprietaries published, at the same time, a document entitled *Proposals to all that will plant in Carolina.* They proclaimed that all persons inhabiting the vicinity of Charles River to the southward of Cape Fear, and consenting to take the oath of allegiance to the king, and to recognize the proprietary government, should be entitled to continue the possession they had assumed and to fortify their settlements ; that the planters should present to the proprietaries a list of thirteen persons, in order that they might select from them a governor and council of six, to exercise authority for three years ; that an assembly, composed of the governor, council, and dele-



gates of the freemen, should be convoked as soon as the circumstances of the colony would admit, with power to make laws, of which the validity was to depend on their congruity with the jurisprudence of England and the approbation of the proprietaries ; that all the colonists should enjoy the most perfect religious freedom ; that every freeman arriving in the province during the next five years should obtain a hundred acres of land for himself and fifty for a servant, — paying only a halfpenny of rent for every acre ; and that the same exemption from customs, which was conferred on the proprietaries by the royal charter, should be extended to all classes of the inhabitants.<sup>1</sup> Such was the original compact between the rulers and the inhabitants of Carolina ; and assuredly it must strike every reflecting mind with surprise, to behold a regular system of civil and religious freedom thus established as the basis of the provincial institutions by the same statèsmen, who, in the parent country, had framed the intolerant *act of uniformity*, and were executing its provisions with the most relentless rigor. While they silenced such teachers as John Owen, and filled the prisons of England with such victims as Baxter, Bunyan, and Alleine, they tendered freedom and encouragement to every variety of opinion in Carolina ; thus forcibly impeaching the wisdom and good faith of their domestic administration by the avowal which their colonial policy manifestly implies, that diversities of opinion and worship may peaceably coexist in the same society, and that implicit toleration is the surest political means of making a commonwealth flourish and endearing a country to its inhabitants. It is humiliating to observe a man like Lord Clarendon adopt, in conformity with his private interest as a proprietor of colonial territory, the principles which his eminent faculties and enlarged experience were insufficient to induce him, as an English statesman, to embrace.

Besides the emigrants from New England who were seated at Cape Fear, there was another small body of inhabitants already established in a different quarter of the proprietary domains. In the history of Virginia, we have seen, that, as early

<sup>1</sup> Oldmixon. Chalmers.

as the year 1609, Captain Smith judged it expedient, for political reasons, to remove a portion of the Virginian colonists to a distance from the main body at Jamestown. With this view he despatched a small party to form a plantation at Nansemond, on the southern frontier of Virginia, where, notwithstanding the formidable obstructions that they encountered from the hostility of the natives, they succeeded in maintaining and extending their settlement. As the Indians receded from the vicinity of these intruders, the planters naturally followed their tracks,—extending their plantations into the bosom of the wilderness; and as their numbers increased and the most eligible situations were occupied, they traversed the forests in quest of others, till they reached the streams which, instead of discharging their waters into the Chesapeake, pursued a south-eastern course to the ocean. Their numbers are said to have been augmented, and their progress impelled, by the intolerant laws that were enacted in Virginia against sectarians of every denomination. At the epoch of the Carolina charter of 1663, a small plantation, formed in this manner, had existed for some years within its specified territorial boundaries on the north-eastern shores of a river formerly called the Chowan, but which now received the name of Albemarle, in compliment to the title by which General Monk's services were rewarded.

Notwithstanding the assertion of an intelligent historian of North Carolina, there is no reason to believe that the planters of Albemarle were composed entirely or even generally of exiles for conscience's sake; yet that a number of conscientious men had mingled with them may be inferred from the fact that they purchased their lands at an equitable price from the aboriginal inhabitants. Remote from the seat of the Virginian government, they paid little regard to its authority, and for some time had lived without any ascertainable rule; when at length the governor of Virginia assumed, in a new capacity, a stricter and more legitimate superintendence of their affairs. In September, 1663, Sir William Berkeley was empowered by the other proprietaries to nominate a president and a council of six persons, with authority to govern this little community according to the prescriptions of the royal charter; to confirm existing possessions; to grant lands to new planters; and, with

the consent of the delegates of the freemen, to frame laws which were to be transmitted for the consideration of the proprietaries. Berkeley was desired to visit the colony, and to employ skilful persons to explore its bays, rivers, and shores ; a duty which he performed in the following year. Having confirmed existing possessions, and made sundry new grants of land, in conformity with his instructions, he appointed Drummond, a man of prudence and ability, the first governor of his fellow-colonists, and then returned to Virginia, leaving the people to follow their various pursuits in peace. [1664.] The colonists for some time continued perfectly satisfied with an arrangement that seemed rather to secure than impair the advantages of their former condition ; but as the day approached when the payment of quitrents was to commence, they began to manifest impatience of the tenure by which they held their lands. In the year 1666, they constituted an assembly, probably the first that was ever held in Carolina, and from this body a petition was transmitted to the proprietaries, desiring that the people of Albemarle might hold their possessions on the same terms that were enjoyed by the inhabitants of Virginia. The proprietaries, who were exceedingly solicitous to promote the population of the province, and to avoid every measure that might discourage the resort of settlers, readily acceded to this request, and commanded the governor in future to confer grants of land on the terms prescribed by the colonists themselves. Notwithstanding the apostolical views which the proprietaries had professed, they made not the slightest attempt to provide for the spiritual instruction of the colonists or the conversion of the Indians ; and the little commonwealth for a series of years was conducted without even a semblance of religious worship.<sup>1</sup>

The proprietaries, after this endeavour to rear and organize the settlement of Albemarle, directed their chief regard to the finer region that extends along the more southerly coast. Having caused a survey to be made of these shores, by a vessel which they despatched from Virginia, for the purpose of ascertaining what spots and districts were the most proper for

<sup>1</sup> Chalmers. Williamson.



habitation, they resolved, among other projected settlements, to establish a new colony to the southward of Cape Fear, along the banks of the river Charles, in the district which was now denominated the county of Clarendon. Several of the planters of Barbadoes, dissatisfied with their existing condition, and desiring to become the chiefs of a less numerous community, had for some time projected to remove to that region, and now submitted a proposition to this effect to the proprietaries [1664]; and though their first demands, of being invested with a district thirty-two miles square and all the powers of a distinct and independent corporation, were deemed inadmissible, their application, on the whole, received so much encouragement as determined them to undertake the migration. In furtherance of a project so agreeable to their wishes, the proprietaries bestowed on John Yeamans, a respectable planter of Barbadoes, and the son of a man who had lost his life in the king's service during the civil wars, the appointment of commander-in-chief of Clarendon county, stretching from Cape Fear to the river Saint Matheo; and obtained for him, at the same time, the title of a baronet, partly in recompense of the loyalty of his family, and partly in order to give weight to his official authority, and some appearance of splendor to the provincial establishment. [Jan., 1665.] The same powers were now conferred, and the same constitution was appointed, as those which had contented the inhabitants of Albemarle; and Yeamans was particularly directed to "make every thing easy to the people of New England," whence the proprietaries announced that they expected very copious emigrations to Carolina. This expectation, more creditable to their discernment than to their integrity, was obviously derived from the intolerance which yet prevailed to some extent in New England, and the effects of which were thus distinctly recognized and deliberately anticipated by men who themselves unreservedly pursued the same illiberal principle in the parent state. A resolution was signified at the same time by the proprietaries that the commission of Yeamans should not prevent the appointment of another governor for a new settlement which was projected in a district to the southward of Cape Romain, and which acquired soon after the name of Carteret. The policy

which the proprietaries were thus pursuing, in the establishment of a variety of separate and independent communities in Carolina, each of which had its own distinct assembly, customs, and laws, supplied them in the sequel with abundance of trouble and embarrassment, and contributed to the prolonged feebleness and disunion by which the English settlements in this province were unhappily distinguished. Meanwhile, however, their proceedings obtained the approbation of the king, who presented them with twelve pieces of ordnance, which were conveyed to Charles River along with a collection of military stores.<sup>1</sup>

Having now obtained a minute acquaintance with the whole coast of Carolina, and discovered, at both extremities of their territory, large tracts of land of which the acquisition seemed to them highly desirable, the proprietaries easily procured from their sovereign a gift of these additional domains. A second charter, which was consequently issued in their favor [June, 1665], recited and confirmed the former grant, and gave renewed assurance and commendation of "*the pious and noble purpose*" under which these insatiable courtiers judged it decent to cloak their ambition or rapacity. It granted to the same patentees "that province situated within the king's dominions in America, extending northeastward to Carahutke Inlet, and thence in a straight line to Wyonoke, which lies under the thirty-sixth degree and thirtieth minute of north latitude; southwestward to the twenty-ninth degree; and from the ocean to the South Seas." The patentees or proprietaries were endowed with all the rights, jurisdictions, and royalties which the Bishop of Durham ever possessed, and were to hold the territory as a feudal dependence of the manor of East Greenwich, paying a rent of twenty marks, and one fourth of all the gold and silver that might be found within it. All persons, except those who should be specially forbidden, were allowed to transport themselves to Carolina; and the colonists and their posterity were declared to be denizens of England, and entitled to be considered as the same people, and to enjoy the same privileges, as those dwelling within the realm. They were empow-

<sup>1</sup> Hewit. Chalmers.

ered to trade in all commodities which were not prohibited by the statutes of England ; and to convey the productions of the province into England, Scotland, or Ireland, on payment of the same duties as other subjects. And they were exempted, for seven years, from the payment of customs, on the importation, into any of the dominions of the crown, of wines and other enumerated articles of colonial produce. The proprietaries were authorized to make laws for the province, with the consent of the freemen or their delegates, under the general condition that their legislation should be reasonable, and assimilated with as much conformity as possible to the jurisprudence of England. They were permitted to erect ports for the convenience of commerce, and to appropriate all imposts decreed by the assembly. They were authorized to create an order of nobility, by conferring titles of honor, differing, however, in style, from the titles bestowed by the British monarch. Carolina was declared independent of every other province, and subject immediately to the crown ; and the inhabitants were exempted from all liability to judicial suit or process in any other part of his Majesty's dominions, except the realm of England. The proprietaries were empowered to grant indulgences to such colonists as might be prevented by conscientious scruples from conforming to the church of England ; to the end that all persons might have liberty to follow their own judgments and consciences in religious concerns, provided they disturbed not the civil order and peace of the province.<sup>1</sup>

Such is the tenor of the last of the Carolina charters, which conferred on the grantees a territory of vast extent, and rights which it is not easy to discriminate from royalty. By a strange anomaly, the king, in divesting himself, as it were, of a part of his dominions, in behalf of a junto of his ministers, ostentatiously recommended to them a system of ecclesiastical policy diametrically opposite to the intolerance, which, at this very time, and by the counsels of this very junto, characterized his own domestic administration.<sup>2</sup> As Clarendon still held the

<sup>1</sup> Lawson's *History of Carolina*. Williamson.

<sup>2</sup> A remarkable counterpart of this inconsistency was exhibited in 1766, when George the Third, at the very time when he was inflicting privations and disabilities on his Catholic subjects in Ireland and his Socinian subjects in England, addressed a pious remonstrance to the Polish diet against similar treatment of the Socinian dissidents of Poland.



office of Lord Chancellor, this charter, as well as the former, in favor of himself and his colleagues, was sealed by his own hands ; and when we consider how liberally it endowed the proprietaries with privileges, at the expense of the prerogative of the crown, it seems the less surprising that he should not have suggested a similar objection to the charters which Connecticut and Rhode Island obtained while the great seal was in his keeping. The arbitrary commission for Massachusetts, which we have seen him defend, shows that he entertained no general design of abridging the royal prerogative in the British colonies.

Animated by this fresh acquisition, the proprietaries exerted themselves, for several years, to promote the resort of inhabitants to their domains from Scotland, Ireland, the West Indies, and the northern colonies of America ; but, notwithstanding all their endeavours, the province, partly from the unhealthiness of its climate, but chiefly from the state of dispersion in which the planters chose to live, advanced but slowly in population and strength. In the autumn of the present year, the emigrants from Barbadoes, conducted by Sir John Yeamans, arrived at their place of destination, on the southern bank of the river of Cape Fear, where they corroborated their formal title from the proprietaries by an equitable purchase of the territory from the neighbouring Indians. While they were employed in the first rude toils requisite to their establishment in the wilderness which they had undertaken to subdue, their leader ruled them with the mildness of a parent, and cultivated the good-will of the aborigines so successfully, that for some years they were enabled to prosecute their labors without danger or distraction. As the planters opened the forest to obtain space for the operations of tillage, they necessarily prepared timber for the uses of the cooper and builder, which they transmitted to the insular colony whence they had emigrated ; a commencement of commerce, which, however feeble, served to cherish their hopes and encourage their industry.<sup>1</sup>

The inhabitants of Albemarle continued, meanwhile, to pursue their original employments in peace, and from the cultivation of tobacco and Indian corn obtained the materials of an

<sup>1</sup> Chalmers. Williamson.

inconsiderable traffic with the merchant-vessels of New England. About two years after the acquisition of their second charter [Oct., 1667], the proprietaries appointed Samuel Stevens, a man whose parts and virtue were judged equal to the trust, to succeed Drummond as governor of Albemarle ; and at the same time bestowed on this settlement a constitution, which, had it been faithfully maintained, would doubtless have promoted the content and prosperity of the people. Stevens was directed to conduct his administration in conformity with the advice of a council of twelve, of which he himself was to appoint one half, and the other six were to be elected by the assembly. This was an approach to a principle disallowed entirely in Virginia and Maryland, but exemplified still more perfectly in the New England States, and by which the democratical branch of the government was admitted to a share in composing and controlling that body which in the colonial constitutions formed equally the senatorial or aristocratical branch of the legislature, the privy council of the supreme magistrate, and the judicial court of appeals. The assembly was to be composed of the governor, the council, and a number of delegates, annually chosen by the freeholders. The legislature, in which democratic interests were admitted thus strongly to preponderate, was invested not only with the power of making laws, but with a considerable share of the executive authority ; with the right of convoking and adjourning itself, of appointing municipal officers, and of nominating and inducting ministers to ecclesiastical benefices. Various regulations provided for the security of property ; in particular, it was proclaimed that no taxes should be imposed without the consent of the assembly ; and the lands possessed by the colonists were anew confirmed to them, and declared to be now holden by the free tenure of soccage. Perfect freedom in respect of religion was offered to a people who were very willing to accept freedom without concerning themselves at all about religion ; and an entire equality of political rights was assured to all classes of persons taking the oath of allegiance to the king and of fidelity to the proprietaries. As we have but too much reason to suppose that the proprietaries did not sincerely intend to preserve the constitution which they now affected to

establish, it is due to the character of Lord Clarendon to remark that he had no share whatever in this transaction ; his impeachment and exile from England having previously sequestered him from all farther concern with the government of Carolina.

The system, however, which was tendered to their acceptance, was received by the inhabitants of Albemarle with perfect satisfaction ; gratitude, perhaps, it would have been unreasonable to expect from them towards proprietaries who had in no way contributed to their occupation of the province, but had followed them into a desert with the obvious intent of reaping where they had not sown, and congregating a scattered flock for the purpose of enriching themselves with its tributary fleeces. It was not till two years after [1669], that an assembly constituted on the new model was convened to enact laws for men, who, being yet few in number, seem to have been governed till then chiefly by the usages they had brought with them from their former settlement. Their first efforts in legislation were characteristic of persons accustomed to live remote from the discipline of strict law and an active government, and to shift their local position whenever it ceased to be perfectly agreeable to them, instead of seeking to alter and improve its circumstances. From the number of persons of broken fortunes who resorted to the American colonies, and from the conviction that was early and most justly entertained by all the colonists, that their industry was fettered and their advantages impaired by the legislature of England, for the benefit of her own domestic population, a defensive, or perhaps retributory, spirit was too readily admitted by the provincial legislatures ; and, if not a universal, it was at least a general, principle of their policy to obstruct the recovery of debts, especially of such as were due to European creditors. Of this disposition we have already noted some traces, about the same period of time, in the legislation of Virginia.

By the assembly now convened at Albemarle, it was declared that sufficient encouragement had not yet been afforded to the resort of settlers and the peopling of the province ; and to supply this defect, it was enacted that no settler could be sued, during five years after his arrival in the country, for any



cause of action arising beyond its limits ; and that none of the inhabitants should be at liberty to accept a power of attorney to sue their neighbours for debts contracted abroad.<sup>1</sup> These complaints of thinness of population continued long to be reiterated by the inhabitants of Carolina ; though it was afterwards, justly enough, recriminated upon them by the proprietaries, that, the inconvenience they complained of was promoted by their own aversion to settle in towns, and by the lazy rapacity with which every planter endeavoured to surround himself with a large expanse of property, over the greater part of which he could exercise no farther act of ownership than that of excluding other occupants by whom it might be profitably cultivated. The remedy, likewise, which was applied by the provincial assembly, seems to be defective in policy, no less than in justice. If industry might be expected to derive some encouragement from the assurance that its gains were not to be carried off by former creditors in a distant country, the nature of this encouragement, as well as its temporary duration, tended to attract neither a respectable nor a stationary race of inhabitants ; and accordingly this colony was long considered as the peculiar asylum of fugitive debtors and criminals. But a more suitable and reasonable encouragement to population was afforded by an act concerning marriage ; which provided, that, as people might desire to marry, while as yet there were no ministers of religion in the colony,—in order that none might be restrained from a step so necessary for the preservation of mankind, any man and woman presenting themselves to the governor and council, along with a few of their neighbours, and declaring their mutual purpose to unite in matrimony, should be legally deemed husband and wife.

The circumstances indicated by this law forcibly suggest the wide distinction between the sentiments and habits of the northern and the southern colonists of America. While all

<sup>1</sup> The same policy was pursued to a much greater extent by the ancient Romans, of whom Plutarch informs us, that, “not long after the first foundation of the city, they opened a sanctuary of refuge for all fugitives, which they called the temple of the god *Asylæus*, where they received and protected all, delivering back neither the servant to his master, the debtor to his creditors, nor the murderer into the hands of the magistrates.” *Life of Romulus*.

the colonial establishments of New England were conducted by clergymen, who long directed with almost equal authority in temporal and in spiritual concerns ; not a trace of the existence of such an order of men is to be found in the laws of Carolina, during the first twenty years of its history ; and it was not till after a considerable body of dissenters from the church of England had emigrated thither, that we hear of religious worship or inquiry, or indeed of any thing akin to religion, in the province. Other regulations, besides those which we have already noticed, were adopted by this assembly. New settlers were exempted from taxes for a year ; and every proprietor of land was restrained from transferring it for two years after its acquisition. The first of these laws was intended to invite settlers ; the second appears to have been a politic device to retain them. A duty of thirty pounds of tobacco was imposed on every lawsuit,<sup>1</sup> in order to provide funds requisite for the expenses of the governor and council during the session of assemblies. These laws, which proclaim the weakness and illustrate the early policy of this commonwealth, were ratified in the following year by the proprietaries. As the colonists received little increase from abroad, their numbers advanced but slowly ; nor was it till some time after this period, that they extended their plantations to the southern bank of the river Albemarle.<sup>2</sup>

But although the proprietaries were willing to tender every concession and encourage every hope that seemed likely to retain or augment the population of Carolina, it was not for the purpose of founding and superintending institutions so homely and popular that they had solicited the extraordinary privileges which their charters conferred. Their ambition aimed

<sup>1</sup> It is remarkable that the Carolinians, who thus obstructed by a tax the legal adjustment of disputes, have always been more addicted to duelling than the inhabitants of any of the other North American States. In Connecticut, according to the representation of Dr. Morse, there is more litigation than in any other quarter of North America ; but a duel was never known to occur in Connecticut. Warden. In most of the provinces, legal controversy was promoted by the uncertainty of the law ; for although it had been authoritatively prescribed, and was universally recognized as a general principle, that there should be a substantial conformity of the colonial jurisprudence to the common and statute law of England, yet the ascertainment of the precise extent of this conformity in every case was committed to the discretion of the judges. *Smith's New York.*

<sup>2</sup> Chalmers. Williamson.

at producing in Carolina a social scene adapted to the exhibition of all that grandeur, and the maintenance of all those distinctions, that have ever been known to coexist with the theory of liberty ; and the plumage which they had stripped from the royal prerogative, it was their intention to employ for the illustration of their own dignity, and the decoration of their provincial organs and institutions. With this view, about a year before they ratified the enactments of the assembly of Albemarle [March 1, 1669], they had subscribed that memorable instrument which bears the name of *The Fundamental Constitutions of Carolina*, the preamble of which assigns as the reason for its adoption, “that the government of this province may be made most agreeable to the monarchy under which we live ; and that we may avoid erecting a numerous democracy.” The task of composing this political frame was devolved upon Shaftesbury, by the unanimous consent of his colleagues, all of whom were deeply impressed with the vigor and resources of his capacity, and some of whom had experienced, in the intrigues that preceded the Restoration, with what consummate dexterity he could accomplish his own purpose, and appropriate to this end the subordinate agency even of persons who were strongly interested to obstruct it. The instrument, indeed, was at first believed to have been actually the production of Shaftesbury,<sup>1</sup> but is now recognized as the composition of the illustrious John Locke, whom he had the sagacity to appreciate and the honor to patronize, and who was united to him by a friendship more creditable than beneficial to the statesman, and no way advantageous either to the character or the fortunes of the philosopher.<sup>2</sup>

The Constitutions of Carolina exhibit a mixture as discordant as the characters of these men ; though in what proportions they represent the peculiar sentiments of either, it is not easy to guess, or possible to determine. . It has been said (whether conjecturally or authoritatively), that Shaftesbury, smitten alike

<sup>1</sup> It is so represented in the first edition of Oldmixon's work, which was published in 1708. But it was afterwards inserted in the collection, published in 1719, by Des Maiseaux, of the anonymous compositions of Locke, from a copy corrected by the philosopher's own hand, and which he had presented to a friend expressly as one of his own works.

<sup>2</sup> See Note II., at the end of the volume.



with reverence for antiquity and admiration of Locke, desired to revive in his person the alliance that once subsisted between philosophy and legislation ; to restore the practice of that age when societies accepted their municipal constitutions more willingly from the disciples of Pythagoras than from the cabinets of kings. It is certain, however, that Shaftesbury, along with a very high value for the genius and talents of Locke, reposed implicit confidence in his own ability to employ the full vigor of Locke's understanding, and yet inject into it regulating views that would enable him securely to anticipate and define the general results of its application. What instructions were communicated to Locke by his patron cannot now be known ; but it must be admitted that the philosopher was indulged with so much liberty, that he afterwards represented the *Fundamental Constitutions* as his own performance, and himself as a competitor with William Penn for the praise of enlightened legislation ; and hence, this instrument, whatever may be thought of its intrinsic merits, must ever be regarded with interest, as the link that connects the genius of Locke with the history of America.

By the *Fundamental Constitutions*, it was appointed that the eldest of the eight proprietaries should be palatine of the province during his life ; and that this dignity, on every vacancy, should devolve to the eldest of the surviving proprietaries. Seven other of the chief offices of state, namely, the offices of admiral, chamberlain,<sup>1</sup> chancellor, constable,<sup>2</sup> chief justice, high steward, and treasurer, were appropriated exclusively to the other seven proprietaries ; and the duties of those functionaries, as well as of the palatine, might be executed by deputies residing within the province. Corresponding to these offices, there were to be (besides the ordinary courts of every county) *eight supreme courts*, to each of which was annexed a college of twelve assistants. The palatine was to preside in

<sup>1</sup> The chamberlain's court had the care of "all *ceremonies*, precedence, heraldry, and pedigrees," and also "power to regulate all *fashions*, *habits*, badges, games, and *sports*." Art. 45. If the functions of this body resemble the ceremonial academy of China, the title at least of another body of functionaries recalls the institutions of old Rome. The assistants of the admiral bore the title of *proconsuls*.

<sup>2</sup> This was a military office, and the members of its relative college of assistants were termed lieutenant-generals.

the palatine's court, wherein he and three others of the proprietaries formed a quorum of functionaries ; and this court represented the king, ratified or negatived the enactments of the legislature, and, in general, was vested with the administration of all the powers conferred by the royal charter, except in so far as limited by collateral provisions of the Fundamental Constitutions. By a complicated frame of *counties*, *seigniories*, *baronies*, *precincts*, and *colonies*, the whole land of the province was divided into five equal portions, one of which was assigned to the proprietaries, another to the nobles, and the remaining three were left to the people. Two classes of hereditary nobility, with possessions proportioned to their respective dignities, and for ever unalienable and indivisible, were to be created by the proprietaries, under the titles of landgraves and caciques ; and these, together with the deputies of the proprietaries, and representatives chosen by the freemen, constituted the parliament of the province, which was appointed to be biennially convoked, and, when assembled, to form one deliberative body, and occupy the same chamber. No matter or measure could be proposed or discussed in the parliament that had not been previously considered and approved by the grand council of the province, — a body resembling the *lords of the articles* in the ancient constitution of Scotland, and composed almost exclusively of the proprietaries' officers and the nobility. No man was eligible to any office, unless he possessed a certain definite extent of land, larger or smaller in proportion to the dignity or meanness of the office. Trial by jury was established in each of the courts throughout the whole of the lengthened ramification of jurisdiction ; but the office of hired or professional pleaders was disallowed, as a base and sordid occupation ; and no man was admitted to plead the cause of another without previously deposing on oath that he neither had received nor would accept the slightest remuneration for his service. To avoid the confusion arising from a multiplicity of laws, all acts of the provincial parliament were appointed to endure only one hundred years, after which they were to cease and expire of themselves, without the formality of an express repeal ; and to avoid the perplexity created by a multiplicity of commen-

tators, all written comments whatever on the Fundamental Constitutions, or on any part of the common or statute law of Carolina, were strictly prohibited. Every freeholder was required to pay a yearly rent of a penny for each acre of his land to the proprietaries ; and all the inhabitants above seventeen and under sixty years of age were obliged to bear arms, and serve as soldiers, whenever they should receive a summons to this duty from the grand council. Every freeman of Carolina was declared to possess *absolute power and authority over his negro slaves, of what opinion or religion soever*.<sup>1</sup> The apology that most readily suggests itself for such a regulation is excluded by the fact, that at this time [1669], and long after, there were no negroes in the province, except a very small number whom Sir John Yeamans and his followers brought with them from Barbadoes.<sup>2</sup>

A series of regulations that not only import the most ample toleration in religion, but manifestly infer the political equality of all religious sects and systems whatever, was ushered by this remarkable provision : — “ Since the natives of the place who will be concerned in our plantation are utterly strangers to Christianity, whose idolatry, ignorance, or mistake, gives us no right to expel or use them ill ; and those who remove from other parts to plant there will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us on this account to keep them out ; that civil peace may be maintained amidst the diversity of opinions, and our agreement and compact with all men may be duly and faithfully observed ; the violation whereof, upon what pretence soever, cannot be without great offence to Almighty God, and great scandal to the true religion which we profess ; and also

<sup>1</sup> It is humiliating to reflect that this regulation was composed by the hand that wrote the *Essay on the Human Understanding*. At a later period of his life, when the English Revolution and the controversies it engendered had enlightened Locke's ideas of the rights of men, we find him thus pronouncing his own condemnation, while he exposes and confutes the servile sophistry of Sir Robert Filmer. “Slavery is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation, that it is hardly to be conceived that an Englishman, much less a gentleman, should plead for it.” “The perfect condition of slavery” he afterwards defines to be “*the state of war continued between a lawful conqueror and a captive.*”

<sup>2</sup> Hewit.



that Jews, heathens, and other dissenters from the purity of Christian religion, may not be scared and kept at a distance from it, but, by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may by good usage and persuasion, and all those convincing methods of gentleness and meekness suitable to the rules and design of the gospel, be won over to embrace and unfeignedly receive the truth ; therefore any seven or more persons agreeing in *any religion* shall constitute a church or profession, to which they shall give some name to distinguish it from others." In the terms of communion of every such *church or profession*, it was required that the three following articles should expressly appear : that there is a God ; that public worship is due from all men to this Supreme Being ; and that it is incumbent on every citizen, at the command of the civil magistrate, to deliver judicial testimony with some ceremonial or form of words, indicating a recognition of divine justice and human responsibility. Only the acknowledged members of some *church or profession* of this description were to be capable of becoming freemen of Carolina, or of possessing any estate or habitation within the province ; and all persons were forbidden to revile, disturb, or in any way persecute the members of any of the religious associations thus recognized by law. What was *enjoined* to freemen was *permitted* to slaves, by an article which declared, that, "since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any man's civil estate or right, *it shall be lawful* for slaves, as well as others, to enter themselves, and be of what church or profession any of them shall think best, and thereof be as fully members as any freeman." But the hope of political equality that dissenters from the church of England might derive from these provisions was completely defeated, and even the security of a naked tolerance of their tenets and practices was menaced, by an article, which, though introduced into the Fundamental Constitutions, was neither composed nor approved by Locke,<sup>1</sup> and

<sup>1</sup> "This article was not drawn up by Mr. Locke, but inserted by some of the chief of the proprietors, against his judgment ; as Mr. Locke himself informed one of his friends to whom he presented a copy of these Constitutions." Locke's *Works* (folio edit.), Vol. III., p. 676.

by which it was provided, that, whenever the country should be sufficiently peopled and planted, the provincial parliament should enact regulations for the building of churches and the public maintenance of divines, to be employed in the exercise of religion, according to the canons of the church of England ; “ which, being *the only true and orthodox*, and the national religion of all the king’s dominions, is so also of Carolina ; and therefore it alone shall be allowed to receive public maintenance by grant of parliament.” Finally, it was declared that these Fundamental Constitutions, consisting of one hundred and twenty articles, and forming a vast labyrinth of perplexing regulations (intended rather than calculated to secure an apt intertexture of all the parts in the general frame), should be the sacred and unalterable form and rule of government of Carolina for ever.<sup>1</sup> Thus, by the labor and genius of European philosophers and politicians, the most cumbrous, operose, and illiberal system of government ever engendered by theory or practice was composed for a country, which, under the guidance of sounder sense and manlier spirit in her own native population, has since been renowned over all the earth for the simplicity, efficacy, and generosity of her municipal institutions and policy.

The faults and absurdities of the foregoing system are at once so numerous and so palpably manifest, that to particularize them would be tedious and superfluous toil. It may be remarked, in general, that the authors of it, in collecting materials for their composition, seem to have entirely disregarded or misconceived the actual situation and habits of the people for whom the legislative experiment was intended. Lawgivers, who derive their function from any other source than popular election, are so little accustomed, in the exercise of it, to consider themselves obliged to treat others as they would have others treat them, that the partiality and illiberality of these institutions would scarcely merit notice, if Locke had not been their principal author. It was a reproach more exclusively due to the proprietaries, that good faith was violated and existing rights disregarded. For a number of inhabitants had already settled in the province, on conditions which their rulers were

<sup>1</sup> Locke.

no longer entitled to abrogate or qualify ; and forms of government having been actually established, the people had acquired an interest in them, which, without their consent, ought not to have been sacrificed to those innovating regulations. The proprietaries might perhaps have been led to doubt the reasonableness of their expectations, if not the equity of their purposes, had they fairly considered the motives which retained themselves in England, and anticipated the probable operation of similar sentiments on the minds of the inhabitants of Carolina. It is reported of some ancient legislators, that they sacrificed their own lives in order to secure the reception or the perpetuity of their constitutions. But while the proprietaries of Carolina could not prevail on themselves to resign the comforts and luxuries of England, and even deliberately anticipated their non-residence, by providing for the vicarious discharge of their functions, they expected that an infant colony of independent woodsmen and laborious tobacco-planters should at once renounce their manners and their habits of life, enchain their liberties, abridge their gains, and nearly metamorphose themselves into a new order of beings, for the sake of accumulating dignity on persons whom even the enjoyment of such dignity could not induce to live in the country. It is hard to say whether there was greater folly or injustice in projecting a social system where such overweening concern was admitted in the rulers, and such gross indifference supposed in the people, for their respective interests ; where the multitude were expected to sacrifice their liberty and prosperity, in order to enhance the advantages of certain conspicuous stations, which those for whom they were reserved judged unworthy of their personal occupation. Shaftesbury was the head of the anti-Catholic party in England ; and Locke assisted with his pen to propagate the suspicions which his patron professed to entertain of the designs of the Catholics against religious and political freedom. Yet if we compare the constitutions of Maryland and Carolina, we cannot hesitate to prefer the labors of the Catholic legislator to those of the Protestant philosopher and politician ; and to acknowledge that the best interests of mankind were far more wisely and effectually promoted by the plain, unvaunted capacity of Lord Baltimore, than by the



united labors of Locke's elevated and comprehensive mind, and of Shaftesbury's vigorous, sagacious, and experienced genius.

The proprietaries, however, were so highly satisfied with the Fundamental Constitutions, that they determined to carry them into effect without delay ; and, as a preliminary step, exerted themselves to the utmost of their ability to promote the transportation of additional inhabitants to the province. The Duke of Albemarle was installed in the office of palatine [Jan., 1670], and the sum of twelve thousand pounds expended on the equipment of a fleet, which set sail in the beginning of the following year with a considerable troop of emigrants. This expedition, which was destined to found a colony at Port Royal, was conducted by Colonel William Sayle, an officer of considerable experience in military service and command, who received the appointment of governor of that part of the coast lying southwestward of Cape Carteret. As these emigrants consisted chiefly of Dissenters, it is probable that religious freedom was the object they had principally in view ; and that they were not acquainted with the special article of the Constitutions by which the security of this important blessing was endangered. Indeed, at a subsequent period, the colonists indignantly complained that the Fundamental Constitutions had been interpolated, and some of their original provisions disingenuously warped to the prejudice of civil and religious liberty.<sup>1</sup> Sayle was accompanied by Joseph West, a man who for upwards of twenty years bore the chief sway in Carolina, and was now intrusted with the management of the commercial affairs of the proprietaries, on whom the colonists continued for some time to depend exclusively for their foreign supplies.

When the new settlers arrived at their place of destination, they prepared with more good faith than good sense to erect the structure of the political system to which they were required to conform ; but, to their great surprise, the first glance at their actual situation convinced them that this design was impracticable ; and that the offices which were appointed to be established were no less unsuitable to the num-

<sup>1</sup> Chalmers.

bers than to the occupations of the people. A wide scene of rough toil lay before them, and it was obvious that for many years a pressing demand for laborers must be experienced; a state of things totally incompatible with the avocations of official dignitaries and the pompous idleness of an order of nobility. Neither landgraves nor caciques had yet been appointed by the proprietaries; and to have peopled even the subordinate institutions would have been to employ all the inhabitants of the colony in performing a dramatic pageant, instead of providing the means of subsistence. Yet, although the colonists found themselves constrained at once to declare that it was *impossible to execute the grand model*, they steadily persisted in their adherence to it, and expressed their determination to *come as nigh to it as possible*. Writs were therefore issued, requiring the freeholders to elect five persons, who, with five others chosen by the proprietaries, were to form the grand council associated with the governor in the administration of the executive power. A parliament, composed of these functionaries, and of twenty delegates, chosen by the same electors, was invested with legislative authority. So great were the difficulties attending the commencement of their new scene of life, that, only a few months after their arrival in Carolina [1670], the colonists were relieved from the extremity of distress by a supply of provisions seasonably transmitted to them by the proprietaries. Along with this supply, there were forwarded to the governor twenty-three articles of instruction, called *temporary agrarian laws*, relative to the distribution of land, together with the plan of a magnificent town, which he was desired to build with all convenient speed, and to denominate Charles-Town, in honor of the king. To encourage the resort of settlers to Port Royal, one hundred and fifty acres of land were allotted to every emigrant, at a small quitrent, and clothes and provisions were distributed from the stores of the proprietaries to those who were unable to provide for themselves. The friendly assistance of the neighbouring Indians was purchased by liberal presents to the native caciques, who thus performed the only service which dignitaries of this denomination were destined ever to render to the colony.

While the colonists were toiling to lay the foundation of

civil society in the province, the proprietaries were busied very unseasonably with the superstructure of those aristocratical institutions which they designed to establish. The Duke of Albemarle, having died in the course of this year, was succeeded in the dignity of palatine by Lord Craven ; and shortly afterwards John Locke was created a landgrave in recompense of his services ; and the same dignity was bestowed on Sir John Yeamans, and on James Carteret, a relative of one of the proprietaries.<sup>1</sup> Perhaps it may excite some elation in the mind of an American citizen to reflect, that, while the fanciful distinction of an order of nobility, thus imported into his country, continued to enjoy even a nominal subsistence, John Locke was one of its members ; and that when he was expelled from the learned halls of Oxford, and a fugitive from England, he was denominated by a title of honor, and regarded as a chief of the people in Carolina. But it is disagreeable to behold this eminent philosopher and truly estimable man accept a titular distinction to himself in the society where he had contributed to sanction and introduce the degrading institution of negro slavery. Happily for the country with which he was thus connected, and for his own credit with mankind, the order of Carolinian nobles enjoyed but a brief duration ; and the attempt to incorporate feudal dignity with the institutions of North America proved completely abortive.

Sayle had scarcely witnessed the establishment of his fellow-colonists in the new territory to which they removed, when he fell a victim to the unwholesomeness of the climate. On his death, Sir John Yeamans claimed the administration of the vacant authority, as due to his rank of landgrave, which no other inhabitant of the province enjoyed. But the council, who were empowered in such circumstances to elect a temporary governor, preferred to appoint Joseph West, a man of popular manners, and much esteemed by the other planters for his activity, vigor, and prudence. West's appointment, however, did not long endure ; for, notwithstanding this indication of his influence with the colonists, the proprietaries, desirous of promoting the consideration of their nobles, and satisfied

<sup>1</sup> Oldmixon. *History of the British Dominions in America.* Hewitt. Chalmers. Williamson.



with the conduct of Yeamans in the government of the plantation around Cape Fear [1671], judged it expedient to extend his command to the new settlement. The shores, the streams, and the interior of the country being now perfectly well known, through the accurate surveys which they had undergone, the planters from Clarendon on the north, and from Port Royal on the south, began about this period to resort to the convenient banks of Ashley River ; and here was laid, during the same year, the foundation of *Old Charlestown*, which became, for some time, the capital of the southern settlements. The proprietaries, meanwhile, with the policy that characterized their previous proceedings, promulgated *temporary laws*, which they appointed to be observed, till, by a sufficient increase of inhabitants, the government could be administered in conformity with the Fundamental Constitutions. One of these laws, equally prudent and humane, enjoined the colonists to practise equity and courtesy in their intercourse with the Indians ; to afford them prompt and ample redress of any wrongs they might happen to sustain ; and on no pretence whatever to enslave or send any of them out of the country. Unfortunately, the object of this regulation was very soon defeated by the intrigues of the Spaniards ; and the other temporary laws received little attention or respect from the colonists, who were by no means disposed to acquiesce in such arbitrary and irregular government ; and who very justly thought, that, if the establishment of permanent laws was obstructed by the circumstances of their present condition, the temporary arrangements by which such laws were to be supplied ought to originate with themselves, to whom alone the exact nature of the controlling circumstances was practically known.<sup>1</sup>

The proprietaries were more successful in their efforts to attract additional emigrants to the settlement on Ashley River than in their experiments in the science of legislation. To the Puritans, persecuted in England by the existing laws, and ridiculed and insulted by the Cavaliers, they offered a secure asylum and ample grants of land in Carolina, on condition of their transporting themselves and their families to this province.

<sup>1</sup> Hewit. Chalmers.

Even the most bigoted churchmen in the king's council are said to have coöperated with much eagerness to promote this scheme ; considering severe labor a wholesome remedy for enthusiasm, and enthusiasm a fit stimulus and auxiliary to novel and hazardous undertakings ; and judging it expedient to diminish, by every means, the farther extension of Puritan sentiments and practices in Massachusetts. And although it was to this favorite scene that the major and the most zealous portion of the Puritan emigrants still resorted, yet a considerable number were tempted, by the flattering offers of the proprietaries, to try their fortunes in Carolina. Unfortunately for the repose and prosperity of the province, the invitations and encouragements to emigrate thither were tendered indiscriminately to men of the most discordant characters and principles. Rakes and gamblers, who had wasted their substance in riot and debauchery, and Cavaliers who had been ruined by the civil wars, were sent to associate with moody, discontented Puritans, and to enter on a scene of life in which only severe labor and the strictest temperance and frugality could save them from perishing with hunger. To the impoverished officers and other unfortunate adherents of the royalist party, for whom no recompense was provided in England, the proprietaries and the other ministers of the king offered estates in Carolina [1671], which many of them were fain to embrace as a refuge from beggary. A society, composed of these Cavaliers, who ascribed their ruin to the Puritans, and of Puritan emigrants, who imputed their exile to the Cavaliers, could not reasonably be expected to exist long in harmony or tranquillity ; and the feuds and distractions, that afterwards sprung up from the seeds of division thus unseasonably imported into the infant commonwealth, inflicted a merited retribution on the proprietaries for the reckless ambition they indulged, and the absurdity of the policy they pursued. The dangers and hardships, indeed, with which the emigrants found themselves encompassed on their arrival in the province, contributed for a time to repress the growth of civil and religious dissension ; but, on the other hand, the same circumstances tended to develop the mischievous consequences of sending men, whose habits were already inveterately depraved, to a scene where only vigorous

virtue could maintain a secure and prosperous establishment. Accordingly, it was the effect of this part of their policy that afforded to the proprietaries the earliest occasion of repentance. Of the extent to which impatience and disappointment prevailed among the settlers we may judge from this circumstance, that one of the earliest provincial laws was an ordinance that no person should be permitted to abandon the colony.<sup>1</sup>

The distress which thus attended the infancy of the colonial settlement was aggravated by the hostile intrigues and assaults of the Spaniards [1672], who had established a garrison at Augustine, in the territory to which the appellation of Florida was now restricted from its original comprehensiveness. The hostile operations of the Spaniards, which even their original pretensions would hardly have warranted, were pursued in manifest violation of a treaty by which those pretensions had been expressly renounced. Prior to the year 1667, no mention was made of America in any treaty between Spain and England; the former being contented to retain her ancient claims to the whole country, and the other bent on peaceably securing and improving the footing she had already acquired in it. But at that epoch [1672], which was only a few years posterior to the English occupation of Carolina, Sir William Godolphin concluded a treaty with Spain, in which, among other articles, it was agreed, "that the king of Great Britain should always possess, in full right of sovereignty and property, all the countries, islands, and colonies, lying and situated in the West Indies, or any part of America, which he and his subjects then held and possessed, insomuch that they neither can nor ought to be contested on any account whatsoever." It was stipulated at the same time, that the British government should withdraw its protection from the buccaneers, who had for many years infested the Spanish dominions in America; and, accordingly, all the commissions previously granted to these pirates were recalled and annulled. By the same treaty, the right of both nations to navigate the American seas was formally recognized; and it was declared that all ships, endangered either by storms or the pursuit of enemies or pirates,

<sup>1</sup> Hewit. Hewit's work was published without his name, which some writers have spelt *Hewit*, and others *Howat*.



and taking refuge in places belonging either to Britain or Spain, should receive protection and assistance, and be suffered to depart without molestation. But notwithstanding this treaty, a certain religious society in Spain continued to assert a claim to the whole region to which the name of Florida had been originally applied, not only on the footing of prior discovery, but by virtue of a special grant from the pope ; and in conformity with this pretension, the garrison that was maintained at Augustine, regarding the British settlement as an encroachment on their countrymen's domains, endeavoured, by every act of insidious and even violent annoyance, to compel the colonists to abandon their possessions. They sent emissaries among the settlers at Ashley River, in the hope of moving them to revolt ; they encouraged indented servants to desert their masters and fly to the Spanish territory ; and they labored so successfully to awaken hatred and jealousy of the British in the minds of the adjacent tribes of savages, that these deluded Indians, at the instigation of a people whose treachery and injustice they had themselves severely experienced, took arms to extirpate a race who had never injured them, and whose whole demeanour, as well as the express instructions of their rulers, announced a desire to cultivate friendly relations with them.

The colonists were now involved in a scene of labor, danger, and misery, which it is impossible to contemplate without admiring the energy and endurance which human nature with all its wants and weaknesses is still capable of exemplifying. Except a very few negroes, imported by Yeamans and his followers from Barbadoes, there were no other laborers but Europeans in the colony ; the brute creation could not replace or even partake human labor, till the ground was disencumbered of wood ; and the unassisted arm of man alone had to encounter the hardship of clearing a forest, whose stubborn strength and thickness seemed to bid defiance to his most strenuous efforts. The toil of felling the large and lofty trees, by which they were surrounded, was performed by the colonists under the dissolving heat of a climate to which their bodies were unaccustomed, and amidst the dread of barbarous enemies, whose stealthy approaches and abrupt assaults

they could not otherwise repel, than by keeping a part of their own number under arms, to protect the remainder who were struggling with the forest, or cultivating the spaces that had been cleared. The provisions obtained by dint of such hardships were frequently devoured or destroyed by their enemies ; and the recompense of a whole year's toil was defeated in one night by the dexterous celerity of Indian depredation. The burden of these distresses was augmented by the feebleness, helplessness, and ill-humor of a great part of the recently arrived emigrants, and by the mistakes and disappointments arising from ignorance of the peculiar culture and produce appropriate to the soil of Carolina, to which European grain and tillage proved unsuitable. So much discontent and insubordination was produced by this scene of varied annoyance and calamity, that it was with the utmost difficulty that the governor could prevent the people from abandoning the settlement. An insurrection was even excited by Culpepper, one of the provincial officers ; but it was easily suppressed by the governor ; and the guilty were either mildly punished or humanely forgiven, in consideration of the misery to which their violence was imputed. While Yeamans was exerting himself to compose these disorders, the Spanish garrison at Augustine, learning their occurrence from some fugitive servants of the colonists, judged this a proper opportunity to strike a decisive blow ; and accordingly despatched an invading party, who advanced as far as the island of St. Helena, with the purpose of dislodging or destroying the inhabitants of Ashley River. But either the courage of the invaders was disproportioned to their animosity, or they had overrated the divisions among the English colonists ; for, being joined by only one traitor named Fitzpatrick, and finding that Yeamans was not only prepared to receive them, but had sent Colonel Godfrey with a party of fifty volunteers to attack them in St. Helena, they did not wait the encounter, but, evacuating the island, retreated to their quarters at Augustine. The more formidable hostilities of the Indians were quelled for a time, partly by the conciliatory address of Yeamans, but chiefly by a war which broke out between two of their own principal tribes, the Westoes and the

Seranas, and was carried on with such destructive fury, that in the end it proved the ruin of them both.<sup>1</sup>

During the administration of Sir John Yeamans [1673], the colony received an addition to its strength from the Dutch settlement of Nova Belgia, or New Netherlands, which had been conquered by Colonel Nichols and annexed to the English empire. Charles the Second bestowed it on his brother James, who changed its name to New York; and by the prudence and mildness of the first governor whom he appointed, the inhabitants were reconciled for a time to the change of dominion. But subsequently various circumstances occurred to render the Dutch discontented with their altered situation, and many of them had formed the intention of removing to some other region; when the proprietaries of Carolina, understanding or anticipating their design, and ever on the watch to promote emigration to their own provincial territory, prevailed with them, by encouraging offers, to direct their course thither, and despatched two vessels, which conveyed a number of Dutch families to Charlestown. Stephen Bull, the surveyor-general of the colony, was directed to assign lands on the southwest side of Ashley River for their accommodation; and here the Dutch emigrants, having drawn lots for their possessions, formed a village, or villatic settlement, which was called Jamestown. This first resort of Dutch settlers to Carolina produced an abundant flow of emigration to the province; for, having surmounted amazing hardships by their patience and industry, the successful establishment which they attained induced many of their countrymen in ancient Belgia, at a later period, to follow them to the western world. The inhabitants of Jamestown, at length finding its precincts too narrow for their growing numbers, began to spread themselves over the province, till the original settlement, by degrees, was entirely deserted.<sup>2</sup>

The proprietaries had hitherto supplied the wants of the colonists with an unsparing hand; insomuch that it was to their ample and seasonable consignments of provisions and other stores that the settlement owed more than once its deliverance from the brink of dissolution. But their patience was not

<sup>1</sup> Hewit.

<sup>2</sup> Ibid.



proportioned to the liberality of their commencement ; in the expectations they formed of speedy reimbursement and grateful regard, they omitted to consider some of the most important circumstances in the condition of the persons for whom they had so freely provided ; and, quite regardless of the injustice and imprudence with which they had hurried off great numbers of helpless, shiftless men to a scene where they could only encumber, disturb, and discourage the more useful members of the community, they were exclusively and deeply impressed with the largeness of their own pecuniary sacrifices, which seemed fully to warrant the conviction that the colonists had no cause whatever of complaint. Before the end of the year 1673, a debt of many thousand pounds was contracted, in this manner, by the colonists to the proprietaries ; while yet the colonists solicited fresh supplies, without being able to show how the past or the future disbursements were likely ever to be refunded ; and, in alluding to the severity of the hardships they underwent, they complained of neglect, and insinuated reproach. The proprietaries were exceedingly provoked and disgusted with this result ; and their disappointment, in concurrence with the Dutch war, rendered their communication with the colony much less frequent than before. Willing, however, to encourage the settlers who had lately emigrated from New York, they despatched another supply, and promised an annual one [1674] ; but, wisely, warned the planters to consider how the debt was to be liquidated, since they were now determined, they declared, to make no more advances without assurance of repayment. " It must be a bad soil," they observed, " that will not maintain industrious men, or we must be very silly that would maintain the idle." They transmitted at the same time a large assortment of vines and other useful plants, accompanied by a number of persons who were acquainted with the culture of them ; but they refused an application for a stock of cattle, observing that they wished to encourage planters rather than graziers ; and they strongly recommended the cultivation of tobacco, till more beneficial staples could be introduced. Mutual jealousy and dissatisfaction began now to arise between the proprietaries and the colonists, and embittered the whole of their future intercourse. But a useful lesson was conveyed to the colonists by the cir-

cumstances which thus diminished their reliance on foreign support and enforced their dependence on their own unassisted exertions. The proprietaries ascribed the unproductiveness of the colony and the poverty of its inhabitants to the misrule of Sir John Yeamans, who, in the commencement of this year, was forced by ill health to resign his command, and try to repair his constitution in Barbadoes, where he soon found a grave. The factions and confusion in which the colony was shortly after involved have rendered the annals of this period extremely perplexing and inconsistent, — obscuring, with an almost impenetrable cloud, the real characters of men and the connection of events. Yet, amidst conflicting testimonies, it seems reasonable to believe that the charges of the proprietaries against Sir John Yeamans were unjust, and either the effusions of spleen and disappointment, or (more probably) the artful suggestion of an apology for the main body of the colonists, with whom it was not convenient for them to quarrel irreconcilably. The only offence of Yeamans appears to have been his eagerness to procure ample supplies from the proprietaries to the colonists ; a policy, which, while the proprietaries were determined to discourage, they were naturally disposed to ascribe to his own misconduct. When he abdicated his office, the council again appointed Joseph West his successor ; and on this occasion the palatine thought proper to confirm the popular choice, with many compliments to the object of it, which, however gratuitous at the time, were eventually justified by the prudence and success of his administration.<sup>1</sup> The early annals of Carolina are chiefly interesting as illustrative of a state of society not likely ever again to occur in the world.

From the affairs of the southern plantation, we must now transfer our attention for a while to the northern settlement of Albemarle. Instructions, similar to those which had been communicated to Sayle, in the year 1670, were addressed to Stevens, the governor of Albemarle, at the same period ; but a system replete with innovations so unfavorable to the interests of freedom was received with disgust and even derision by the people, who were no more disposed to execute the plan of the *Fundamental Constitutions* than the proprietaries

<sup>1</sup> Chalmers. Hewit.

had been to invite their assistance in its composition. The promulgation of this instrument produced no other effect than to awaken the most inveterate jealousy of the designs of the proprietaries ; till, in process of time, it was reported and believed that they entertained the project of partitioning the province, and bestowing Albemarle on Sir William Berkeley as his share of the whole. This apprehension, though perfectly groundless, prevailed so strongly, that at length the assembly of Albemarle [1675] presented a remonstrance to the proprietaries against a measure which they declared to be at once injurious to individuals and degrading to the country. Although the remonstrance was answered in a conciliatory strain by the proprietaries, who graciously confessed that they had been deficient in attention to the people of Albemarle, and solemnly promised to preserve the integrity of the province, the displeasure of the colonists was too deeply rooted to be thus easily removed. Little satisfaction was created by the expectation of more frequent attention from those whose policy had become the object of incurable suspicion ; and a jealous and refractory spirit, taking possession of the minds of the people, promoted sentiments and practices as hostile to subordination as the policy of the proprietaries was repugnant to liberty. From this period, the history of the northern province, for a series of years, is involved in such confusion and contradiction, that it is impossible to render it interesting, and difficult to unravel its intricacy or make it even intelligible. Chalmers, the most accurate of its historians, has been enabled, by his access to the best sources of information, to rectify the mistakes of other writers respecting the nature and order of the principal events, but has found it utterly impracticable to account for them. Unhappily, they have been involved in the deeper confusion, from being connected, in some degree, with the violent, but unsteady and mysterious, politics of Lord Shaftesbury.

Shortly after the remonstrance by the assembly of Albemarle, Miller, a person of some consideration in the province, was accused of sedition ; and, having been acquitted, notwithstanding the grossest irregularity and injustice in the conduct of his trial, he repaired to England in order to complain to the



proprieties of the treatment he had undergone. Stevens, the governor, died soon after ; and the assembly made choice of Castwright to replace him, until orders should be received from England ; but this man, after a short attempt to conduct the administration, was so disgusted with the scene of foolish, furious faction in which he found himself involved, that he abandoned the colony altogether and returned to England [1676], whither he was accompanied by Eastchurch, a person whose address and abilities had raised him to the dignity of speaker of the assembly, and who was deputed to represent to the proprietaries the actual situation of their people. The proprietaries, conceiving a favorable opinion of Eastchurch, appointed him governor of Albemarle ; and, disapproving the treatment that Miller had received, bestowed on him as a compensation the office of provincial secretary, to which Lord Shaftesbury added a deputation of his proprietary functions. The commissioners of the customs appointed Miller, at the same time, the first collector of these duties in the province. The proprietaries observed with dissatisfaction how little their designs had been promoted or their directions regarded by the provincial functionaries. They had signified their desire to have settlements formed to the southward of Albemarle Sound, and a communication by land established with the southern colony. But this scheme was obstructed by the governor and council of Albemarle, who engrossed to themselves nearly the whole of the trade with the neighbouring Indians, and justly apprehended that the extension of the settlements would divert this profitable traffic into other hands. The proprietaries had endeavoured, with no better success, to alter the channel of the foreign trade of their dominions, and to promote a direct intercourse with Britain, in place of the narrow system of commercial dealing to which the colonists restricted themselves with the New England settlements. The traders from New England, penetrating into the interior of the province, and bringing their goods to every man's door, obtained a monopoly of the produce of Albemarle, and habituated the planters to a traffic which they preferred, on account of its safety and simplicity, to the superior emolument of more extended commercial transactions. It was hoped by the pro-

prietaries that an important alteration in these particulars would result from the instructions which they now communicated to Eastchurch and Miller. These officers departed to take possession of their respective appointments ; but Eastchurch, enticed by the prospect of a wealthy marriage in the West Indies, deemed it prudent to remain there till his object was accomplished, and despatched his companion with directions to administer the government of Albemarle till he himself should arrive.<sup>1</sup>

As chief magistrate and collector of the royal customs, Miller [July, 1677] was received with a hollow civility and affected consideration, of which he became the dupe and the victim. Unaware or regardless of the aversion to his authority that prevailed with a considerable party among the planters, he at once proclaimed designs and commenced innovations that gave offence and alarm to them all. The settlement, of which he now assumed the governance, consisted merely of a few insignificant plantations dispersed along the northeastern bank of the river Albemarle, and divided into four districts. The planters were yet but an inconsiderable body ; the *tithables*, under which description were comprehended all persons from sixteen to sixty years of age, amounting only to fourteen hundred ; of whom one third was composed of Indians, negroes, and women. Exclusive of the cattle and Indian corn, eight hundred thousand pounds of tobacco was the annual produce of their labor, and formed the basis of an inconsiderable commerce, which was monopolized by the traders from New England, who enjoyed unbounded influence in the province. Remote from society, and destitute of the means of education, the planters were remarkable for ignorance and credulity, and were implicitly directed by the counsels of those traders, who regarded with the utmost jealousy the commercial designs which Miller was instructed by the proprietaries to pursue. Unsupported by any effectual force, and possessing neither the reputation of eminent ability nor the advantage of popularity, this man commenced his work of reformation with a headlong and impetuous zeal that provoked universal disgust. He was reproached, and

<sup>1</sup> Chalmers. Williamson.

perhaps justly, with some arbitrary exertions of power ; but the rock on which his authority finally split was an attempt to promote a more direct trade with Britain and with the other colonies,<sup>1</sup> in order to destroy the monopoly enjoyed by the traders of New England, whom the proprietaries regarded as insidious rivals, and pernicious associates of the people of Carolina. On the arrest of a New England trader who was accused of smuggling, an insurrection<sup>2</sup> broke forth among the settlers of Pasquetanke [December, 1677], one of the districts of Albemarle ; and the flame spread through the whole colony. The insurgents were conducted by Culpepper, who had formerly excited commotions in the settlement of Ashley River, and whose experience in such enterprises seems to have formed his sole recommendation to the regards of his present associates. As the government possessed no force capable of withstanding them, they overpowered it without difficulty or resistance ; and having deposed the president, who was the chief object of their indignation, they committed him and seven of the proprietary deputies to prison. They seized the provincial treasure, amounting to three thousand pounds, which they appropriated to the support of the revolt ; they established courts of justice, appointed officers, convoked a parliament, inflicted punishments on all who presumed to oppose them, and, for some time, exercised the authority of an independent government. As there had been no example of a revolt unaccompanied by a manifesto, the insurgents of Pasquetanke, in conformity with this usage, commenced their revolutionary movement, by publishing a feeble, frivolous composition, entitled *A Remonstrance to the People of Albemarle*, in which they complained of various wrongs, which they imputed to Miller,

<sup>1</sup> Virginia, from her situation, might have absorbed the whole of this traffic, of which she then enjoyed only a very inconsiderable portion. But so narrow were the commercial views by which she was governed, that two years after this period she passed an act prohibiting "the importation of tobacco from Carolina ; as it had been found very prejudicial." *Laws of Virginia*. In the year 1681, the governor of Virginia, writing to the English Committee of Colonies, declares that "Carolina (I mean the north part of it) always was, and is, the sink of America, the refuge of our renegadoes, and, till in better order, dangerous to us." *State Papers*, apud Chalmers.

<sup>2</sup> This insurrection, it will be remarked, broke out but a few months after the suppression of Bacon's rebellion in Virginia. But no connection has been traced between these two events.



and declared the object they had in view to be the convocation of a free parliament, by whose instrumentality the grievances of the country might be ascertained and represented to the proprietaries. But the subsequent conduct of the insurgents demonstrated how little of real deference the proprietaries enjoyed with them ; for, on the arrival of Eastchurch [1678], to whose commission and conduct no objection could be made, they derided his authority, and denied him obedience. He applied for assistance to the governor of Virginia ; but died of vexation before a force sufficient for his purpose could be assembled.<sup>1</sup>

After two years of successful revolt, the insurgents, apprehensive of an invasion from Virginia [1679], despatched Culpepper and Holden to England, to offer submission to the proprietaries, on condition of their past proceedings being ratified, and Miller proclaimed and punished as a delinquent. This unfortunate president, and the other officers, who had languished meanwhile in imprisonment, having found means to escape, appeared in England at the same time [1680], and filled the court and the nation with complaints of their own sufferings, and accusations of their persecutors. If the proprietaries could have ventured to act with vigor, and in conformity with their own notions of right, it was the representation of this latter party that would doubtless have prevailed with them. But while they hesitated to embroil themselves irreconcilably with the colonists, their perplexity was increased by the encouragement which Shaftesbury thought proper to extend, in the most open manner, to Culpepper. That enterprising politician, who was now pursuing the last revolutionary projects that distinguished the career of his profligate ambition, and whose recent espousal of the popular cause in England placed him at variance with some of his brother proprietaries, plainly saw, that Culpepper, possessing the confidence of the people of Albemarle, was capable of becoming a useful instrument in the province, and that Miller, his ancient deputy, was unfit to lend him any assistance. Culpepper, thus powerfully countenanced, seemed to have prevailed over his oppo-

<sup>1</sup> Chalmers. Williamson.

nents, and was preparing to return to Carolina, when he was accused by the commissioners of the customs (at the private instigation, most probably, of the palatine, and others of the proprietaries) of the offences of acting as collector without their authority, and of embezzling the king's revenue. He was arrested on board a vessel in the Downs, by a warrant from the privy council; and his case being referred to the Committee of Plantations, the proprietaries no longer scrupled, nor indeed could in decency refuse, to come forward as his accusers; in consequence of which, the report of the committee impeached him not only of embezzlement of the customs, but of having promoted a rebellion in the province. It was in vain for him to acknowledge the facts laid to his charge, and beg for mercy, or at least that his trial might take place in Carolina, where the offences had been committed; his powerful accusers were determined to wreak the uttermost vengeance on so daring an opponent of legitimate authority; and, in conformity with a statute of Henry the Eighth, which enacted that foreign treasons might be judged and punished in England, he was brought to trial in the Court of King's Bench, on an indictment of high treason committed without the realm. There is no departure from justice in requiring a colonial governor, or other public officer delegated by the parent state, to answer before her domestic tribunals for betraying the trust or perverting the power which he derived from her appointment. But Culpepper had not been an officer of the British government; and, however consonant with the statute law of Henry the Eighth, it was plainly repugnant to the spirit of the English common law, as well as to the principles of equity, to compel him to take his trial at such a distance from all to whom his conduct and character were known, and in a community to which the witnesses on both sides must be strangers, and where conflicting testimony could not be properly balanced. It must be confessed, however, that, from the actual state of the province, the British government was reduced to the alternative of either trying him in England, or not trying him at all. His destruction at first appeared inevitable; for the judges pronounced, that to take up arms against the proprietary government was treason against the king; and the amplest evidence was pro-

duced of every circumstance requisite to substantiate the charge. But Shaftesbury, who was then at the zenith of his popularity, appearing in behalf of the prisoner, and representing, contrary to the most undoubted facts, that there had never been any regular government in Albemarle, and that its disorders were mere feuds between the planters, which at worst could amount to no higher offence than a riot, easily prevailed with the jury to return a verdict of acquittal.<sup>1</sup> [1680.] This was the last transaction by which Shaftesbury signalized his participation in the government or affairs of Carolina. His attention, thenceforward, was absorbed by the deep and daring cabals that preceded his exile ; and, about three years afterwards, having ruined and dishonored every party with which he had been connected, he was obliged to fly from England, and implore the hospitality and protection of the Dutch, whom he had formerly exhorted the English parliament to extirpate from the face of the earth. The ruin of this ablest of the proprietaries extended its influence to the fortunes of the most distinguished of the landgraves. Locke had been so intimately connected with Shaftesbury, that he deemed it prudent to retire from England at the same time ; but so remote was he from any accession to the guilt of his patron, that, when William Penn afterwards prevailed on James the Second to consent to the pardon and recall of Locke, the philosopher refused to accept a pardon, declaring that he had done nothing that required it.<sup>2</sup>

Meanwhile, the palatine, and the majority of the proprietaries, reduced to their former perplexity by the acquittal of Culpepper, pursued a temporizing policy, that degraded their own authority, and cherished the factions and ferments of the colony. Fluctuating between their resentments and their apprehensions, they alternately threatened the insurgents and reproached their own partisans. The inevitable consequence of this policy was to exasperate still farther all parties in the colony against each other, without attaching any to the proprietaries, who very soon discovered that it was no longer in their power either to overawe their mutinous subjects by vigor, or to conciliate them by lenity. [1681.] Abandoning, then, the

<sup>1</sup> *British Empire in America.* Ventris's Reports. Chalmers. Williamson.

<sup>2</sup> *Life of Locke.* Clarkson's *Life of Penn.*



hopeless attempt to vindicate their insulted authority, they are said to have adopted the humbler purpose of accommodating their pretensions and the strain of their government in future to whatever degree of obedience the colonists might be disposed to yield them. Having established a temporary administration, at the head of which they placed one Harvey as president, they announced, immediately after, their intention to send out as permanent governor Seth Sothel, who had purchased Lord Clarendon's share of the province, and whose interest and authority they hoped would effectually conduce to the restoration of order and tranquillity. But these measures were productive only of additional disappointment. Little regard was paid to the rule of Harvey by men who were already apprized that his government would have but a short duration ; and the proprietaries, along with the tidings of his inefficiency, received intelligence of the capture of Sothel on his voyage by the Algerines. Undismayed by so many disappointments, the proprietaries, now resolutely embracing a mild and accommodating policy, pursued it with commendable perseverance ; and Henry Wilkinson, a man from whose prudence more happy results were expected, was appointed governor of the whole of that portion of Carolina stretching from Virginia to the river Pamlico, and five miles beyond it. The most earnest endeavours were forthwith employed by the proprietaries to heal the existing disorders. To the governor and council they recommended in persuasive language the promotion and exemplification of forbearance and indulgence ; and, in compliance with their desire, an act of oblivion was passed by the assembly of Albemarle in favor of the late insurgents, on condition of their restoring the money of which they had plundered the provincial treasury. But it was found easier to inculcate the virtue of moderation on the parties who had suffered wrong, than on those who had inflicted it ; and the late insurgents, who were still the stronger, or at least the more vigorous, of the two factions, not only contemned the conditions of an act which they felt to be quite unnecessary to their security, but, acquiring the command of the assembly, proceeded, with triumphant insolence and injustice, to denounce and punish the party which had so far mistaken its situation as to proffer terms of pardon

and indulgence to them. They inflicted fines and imprisonment on their opponents, who were forced to seek shelter in Virginia, and with whom every trace of justice and freedom took a long leave of the unhappy settlement.

The miserable scene of violence and anarchy that ensued was not abridged, nor was the condition of Albemarle in any degree meliorated, by the arrival of Sothel as governor, in the year 1683. The character, at once odious and despicable, of this unprincipled man disclosed itself in the very outset of his administration. Though required by the proprietaries to expel from office all those who had been concerned in the late disorders ; to establish a court, composed of the most respectable and impartial of the inhabitants, for the redress of wrongs committed during the distractions of the times ; and to assist the officers of the customs in collecting the royal revenue and executing the Acts of Navigation, — he declined to comply with any of these mandates ; and, seeking only his own immediate enrichment, disregarded equally the happiness of the people, the interest of his colleagues, and the deep stake which he himself possessed in the lasting welfare of the colony. Newly escaped from captivity on the coast of Barbary, he was so far from acquiring an increase of humanity or a stronger sense of equity from the experience of hardship and injustice, that he seemed to have adopted the policy of his late captors as the model of his own government ; nor have the annals of colonial oppression recorded a name that deserves to be transmitted to posterity with greater infamy than his. Rapacity, cruelty, and fraud, formed the prominent traits of his official conduct, which, after afflicting the colony for a period of five years, finally exhausted the patience of all parties, and produced at least one good effect, in uniting the divided people by a sense of common suffering and danger. Driven to despair, the inhabitants universally took arms against his government in 1688, and, having deposed and imprisoned him, were preparing to send him to England for trial, when, descending to the most abject supplications, he entreated to be judged rather by the provincial assembly, whose sentence he declared himself willing to abide. If the colonists, in granting this request, arrogated a power that did not constitutionally belong to them, they exercised it with a

moderation that reflects honor on themselves, and aggravates the guilt of their tyrannical governor. The assembly declared him guilty of all the crimes laid to his charge, and sentenced him to a year's banishment and perpetual exclusion from office. When the proprietaries received intelligence of these transactions, they deemed it proper to signify some disapprobation of the irregular justice of the colonists ; but they expressed a lively concern for their sufferings, and great astonishment and indignation at the conduct of Sothel. They summoned him still to answer for his crimes before the palatine's court in England ; and they protested, that, if their people would render a dutiful obedience to legal authority, no governor should in future be suffered to enrich himself with their spoils.<sup>1</sup> Such was the condition to which North Carolina was reduced at the epoch of the British Revolution.

<sup>1</sup> Williamson. Chalmers. Hewit. Hewit has related these proceedings against Sothel as having occurred in South Carolina. Nor is this the only error with which he is chargeable. He perpetually combines events that are totally unconnected. His notation of dates is extremely scanty, and sometimes very inaccurate. While he abstains from the difficult task of relating the history of North Carolina, he selects the most interesting features of its annals, and transfers them to the history of the southern province. His errors, though hardly honest, were probably not the fruit of deliberate misrepresentation. Almost all the prior historians of America have been betrayed into similar inaccuracies with respect to the provinces of Carolina. Even that laborious and generally accurate writer, Jedediah Morse, has been so far misled by defective materials as to assert (*American Gazetteer*) that the first permanent settlement in North Carolina was formed by certain German refugees in 1710.



## CHAPTER II.

Affairs of South Carolina. — Indian War. — Practice of kidnapping Indians. — Emigrations from Ireland — Scotland — and England. — Pirates entertained in the Colony. — Emigration of French Protestants to Carolina. — Disputes created by the Navigation Laws. — Progress of Discontent in the Colony. — Sothel usurps the Government. — Endeavours of the Proprietaries to restore Order. — Naturalization of French Refugees resisted by the Colonists. — The Fundamental Constitutions abolished. — Wise Administration of Archdale. — Restoration of general Tranquillity. — Ecclesiastical Condition of the Province. — Intolerant Measures of the Proprietaries. — State of the People. — Manners — Trade, &c.

WE now resume the progress of the southern province of Carolina, which, under the governance of Joseph West, whose elevation to its presidency in 1674 we have already remarked, enjoyed a much greater share of prosperity than fell to the lot of the settlement of Albemarle. This governor has been celebrated for his courage; wisdom, and moderation; and the state of the province over which he presided gave ample scope to the exercise of these qualities. Strong symptoms of mutual jealousy and dislike began to manifest themselves between the Dissenters and Puritans, on the one hand, who were the most numerous party in the colony, and the Cavaliers and Episcopalians, on the other, who were favored by the proprietaries in the distribution of land and of official power and emolument; and although the firmness and prudence of West prevented the discord of those parties from ripening into strife and confusion, it was beyond his power to eradicate the evil, or to restrain his own council, which was composed of the leading Cavaliers, from treating the Puritans with insolence and contempt. The Cavalier party was reinforced by all those persons whom debauched habits and broken character and fortune had conducted to the province, not for a cure but a shelter of their vices, and who regarded the austere manners of the Puritans with as much dislike as the Cavaliers entertained

for their political principles. The adversaries of the Puritans, finding that it was in their power to shock and offend them by a social behaviour opposed to their own, affected an extreme of gay and jovial license. Each party, considering its manners as the test of its principles, emulously exaggerated the distinctive features of its appropriate demeanour; and an ostentatious competition ensued, in which the ruling party gave countenance and encouragement to practices and habits very unfavorable to the prevalence of industry and the acquisition of wealth. The proprietaries, whose imprudence had occasioned these divisions, were the first sufferers from them, and found all their efforts unavailing to obtain repayment of the large advances which they had made for the settlement. The colonists, who had undertaken to pay the small salary of one hundred pounds a year, allotted to West, the governor, proved unable or unwilling to discharge even this obligation; and the proprietaries found it necessary, in April, 1677, to assign to him the whole stock of their merchandises and debts in Carolina, in recompense of his service and reimbursement of his expenditure. Meanwhile the population of the province received considerable accessions from the continued resort of English Dissenters, and of Protestant emigrants from the Catholic states of Europe. In the year 1679, the king, willing to gratify the proprietaries, and hoping, perhaps, to divert the tide of emigration from Massachusetts, ordered two small vessels to be provided, at his own expense, for the conveyance of a band of foreign Protestants to Carolina, who proposed to add wine, oil, and silk to the other produce of the territory; and he granted to the colonists an exemption for a limited time from the payment of taxes on these commodities, in spite of a remonstrance from the commissioners of customs, who insisted that England would be ruined and depopulated if the colonies were rendered a more desirable residence. Although the new colonists were not able to enrich the province with the valuable commodities which they had hoped to introduce, they preserved their settlement in it, and formed a useful and respectable addition to its population. The proprietaries having learned that the agreeable district called Oyster Point, formed by the confluence of the rivers Ashley and Cooper, enjoyed

greater conveniences than the station which the first settlers had chosen, encouraged the inclination of the people, who began to remove thither about this time ; and there, in 1680, was laid the foundation of the modern Charleston, a city, which, in the next century, was noted for the elegance of its streets, the extent of its commerce, and the refinement of its society. It was forthwith declared the seaport and the metropolis of South Carolina. For some time it proved extremely unhealthy ; insomuch that from the month of June till October the courts of justice were annually shut ; and during that interval no public business was transacted, and the principal inhabitants retired to a distance from the pestilential vapors with which the atmosphere was tainted. The inconvenience at length was found to be so great, that measures were taken for exploring and appropriating another metropolitan situation more friendly to health. But happily (in consequence, it has been supposed, of the purification of the noxious vapor by the smoke of numerous culinary fires) the climate underwent a gradual change, which has progressively diminished the insalubrity of Charleston.<sup>1</sup> The lapse of time, moreover, contributed to render the place less unhealthy to its inhabitants, by attempering their constitutions to the peculiar qualities of its climate.

Notwithstanding the earnest desire of the proprietaries that the colonists should cultivate the good-will of the Indians, a war that proved very detrimental to the settlement broke out, in the year 1680, with a powerful tribe that inhabited the southern frontier. The war seems to have originated partly from the insolence with which some idle and licentious planters behaved to the Indians, and partly from the depredations of straggling parties of Indians, who, being accustomed to the practice of killing whatever animals they found at large, accounted the planters' hogs, turkeys, and geese lawful game, and freely preyed upon them. The planters as freely made use of their arms in defence of their property ; and several Indians having been killed, the vengeance of their kindred tribe burst forth abruptly in general hostilities, which for some time threatened the most serious consequences to the colony. So

<sup>1</sup> Oldmixon. Hewit. Chalmers.



divided were the colonists among themselves, that the governor found it difficult to unite them in measures requisite even for their common safety, or to persuade any one to undertake an effort that did not promise to be attended with advantage immediately and exclusively his own. Conforming his policy to the selfish strain of their character, he offered a price for every Indian who should be taken prisoner and brought to Charleston ; and obtained the requisite funds by disposing of the captives to the traders who frequented the colony, and who sold them for slaves in the West Indies. This system was productive of so much profit, and of enterprises so agreeable to the temper and habits of a number of the planters, that the war was carried on with a vigor that soon enabled the government to dictate a treaty of peace with the Indians. The proprietaries, desiring that this pacification should repose on a lasting and equitable basis [1681], appointed commissioners who were empowered to decide all future controversies between the contending parties ; and declared that all the tribes within four hundred miles of Charleston were under their special protection. But the practices that had been introduced during the war were too firmly established to be thus readily extirpated. Many of the colonists found it a more profitable as well as more interesting occupation to traffic in the persons of the Indians, than to clear the forests or till the ground ; and not only the principal inhabitants, but the officers of government, fomented the spirit of discord that prevailed among the savage tribes, and promoted their mutual wars, for the purpose of enlarging their own marketable stock of slaves, by purchasing the prisoners from their captors. It was in vain that the governor and council asserted, in justification of this system of intrigue and perfidy, that, by diverting the attention of the tribes, and prompting them to expend their force in mutual hostilities, it afforded the most effectual security to the colony against their attacks ; and that humanity sanctioned the purchase of prisoners who would otherwise have been put to death. The proprietaries were by no means satisfied with these reasons ; and, firmly persuaded that it was a sordid thirst for private gain, and not a generous concern for the public safety, that engendered a policy so unhallowed and ignoble, they ceased not to issue

the strongest injunctions for its entire abandonment. But their humane interference was long unavailing ; and it was not till after the sharpest remonstrances and menaces that they were able to procure the enactment of a law to regulate, and at length utterly prohibit, this profligate and disgraceful practice. Its continuance was attended with consequences both immediately and lastingly injurious. The traders who carried the captives to the West Indies imported rum in exchange for them ; and a destructive habit of indulging to excess in this beverage depraved the manners and relaxed the industry of many of the colonists. A deep and mutual dislike was formed between them and the victims of their injustice, which the lapse of many years was unable to allay ; and at a subsequent period the Indians inflicted a severe retribution on the posterity of those who had been the authors of their wrongs and the insidious abettors of their ferocity.<sup>1</sup>

Governor West convoked a parliament at Charleston, in the close of the following year [1682] ; when laws were enacted for establishing a militia, which the late war had shown to be necessary ; for making ways through the vast forest that surrounded the capital on every side ; for repressing drunkenness and profanity, and otherwise promoting the morality of the people, who were generally destitute of the means of religious instruction. Shortly after this legislative session, West, who had incurred the displeasure of the proprietaries by supporting the practice of selling Indian captives, and by curbing the excesses of the Cavaliers, who were accounted the proprietary party, was removed from his command [1683] ; and the government of the colony was committed by Lord Craven to Joseph Moreton, who had been recently created a landgrave of Carolina. This was the commencement of a course of rapid succession of governors and of all the other public officers in the colony ; a system arising partly from unexpected casualties, and partly from unstable policy, and which produced its never-failing consequences, in the enfeeblement and degradation of the government, and the promotion of party spirit and cabals. But however much the policy of the proprietaries

<sup>1</sup> Archdale's *Description of Carolina*. Oldmixon. Hewit. Chalmers.

might fluctuate in other respects, it continued long to be steadily and strenuously directed to the increase of population. At the desire of several wealthy persons, who proposed to emigrate to the province, they once more revised their Fundamental Constitutions, which, at the time of their first publication, were declared unalterable ; now again promulgating a similar declaration of their future inviolability. The object of the present alterations was to relax somewhat in favor of popular liberty the rigor of the original constitutions ; but it is the less necessary to particularize them, as they were never acknowledged or accepted by the people of Carolina, who were more jealous of the power assumed to introduce such changes, than gratified with the particular advantages immediately tendered to their acceptance.

The alterations, notwithstanding, proving satisfactory to the parties who had solicited them, one Ferguson shortly after conducted to the province an emigration from Ireland, which soon mingled with the mass of the provincial inhabitants. Lord Cardross (afterwards Earl of Buchan), a Scottish nobleman, also led out a colony from his native country<sup>1</sup> (then groaning under the barbarous administration of the Duke of Lauderdale); which settled on Port Royal Island, and, in pursuance of some agreement or understanding with the proprietaries, claimed for itself coördinate authority with the governor and grand council of Charleston. This claim, however, was disallowed by the provincial government ; and the new occupants of Port Royal having been compelled to acknowledge submission, Lord Cardross, whether disappointed with this result, or satisfied with what he had already accomplished, forsook the colony and returned to Britain. The settlers whom he left behind were some time after dislodged from their advantageous situation by a force despatched against them by the Spaniards at Augustine, whom they had wantonly provoked

<sup>1</sup> This was, probably, the issue of a transaction which occurred in the preceding year, and which is thus related by Hume : — “ The Presbyterians (of Scotland) alarmed with such tyranny, from which no man could deem himself safe, began to think of leaving the country ; and some of their agents were sent to England in order to treat with the proprietaries of Carolina for a settlement in that colony. Any condition seemed preferable to their living in their native country, which, by the prevalence of persecution and violence, was become as insecure to them as a den of robbers.”



by inciting the Indians to make an irruption into the Spanish territory. But the most valuable addition to its population, which the colony now received, was supplied by the emigration of a considerable number of pious and respectable Dissenters from Somersetshire in England. This band of emigrants was conducted by Humphrey Blake, the brother and heir of the renowned Admiral Blake, under whom he had served for some time in the English navy, and by whom he was cashiered for deficiency of talent and spirit as a naval officer. Though constitutionally disqualified to excel as a warrior, Humphrey Blake was a worthy, conscientious, and liberal man; and willingly devoted the moderate fortune bequeathed to him by his disinterested brother to facilitate the retirement of a number of Dissenters, with whom he was connected, from the persecutions they endured in England, and the greater calamities they apprehended from the probable accession of the Duke of York to the throne. Several other persons of similar principles and ample substance joined the expedition; and the arrival of these new settlers contributed to strengthen the hands of the Puritan or sober party in the colony, and to counteract the influence of circumstances unfavorable to the character and manners of the planters. From the exertions of the proprietaries, and the condition of England at the present period, there is little doubt that Carolina would have received a much larger accession to its inhabitants, if the recent colonization of Pennsylvania had not presented an asylum more generally attractive to mankind. The liberality of William Penn's institutions, the friendly sentiments with which the Indians returned his courteous and pacific demeanour, the greater salubrity of the climate of Pennsylvania, and superior adaptation of its soil to the cultivation of British grain, strongly recommended this province to the preference of emigrants; and such multitudes resorted to it, both from England and the other states of Europe, as soon enabled it to outstrip the older settlement of Carolina both in wealth and in population.<sup>1</sup>

A few months after his elevation to the office of governor, Moreton assembled a parliament [Sept., 1683], which promul-

<sup>1</sup> Archdale. Oldmixon. Hewit. Chalmers. Warden's *Population Tables of Pennsylvania and the Carolinas*. *Lives, English and Foreign*, Vol. II.

gated a variety of regulations for the remedy of sundry inconveniences to which all colonial settlements are liable in their infancy. From a law that was now enacted for raising the value of foreign coins we may date the origin of the domestic currency of Carolina, which subsequently incurred an extreme depreciation. In imitation of the early policy of the community of Albemarle, all prosecutions for foreign debts were suspended. But the proprietaries, now disapproving a policy which had formerly obtained their own express acquiescence, interposed to annul this ordinance, declaring that it was repugnant to the king's honor, since it obstructed the course of justice ; and that the provincial parliament had no power to frame a law so inconsistent with the jurisprudence of England ; and the more sensibly to manifest their displeasure, they commanded that every public officer who had supported the obnoxious proposition should be cashiered. Another cause of dispute between the proprietaries and their people arose from the manner in which this parliament was constituted. The province, at the present time, was divided into the three counties of Berkeley, Craven (including the district formerly called Clarendon), and Colleton. The proprietaries directed, that, of the twenty members of whom the lower house of parliament was composed, ten should be elected by each of the two counties of Berkeley and Colleton ; the third being reckoned not yet sufficiently populous to merit a share of parliamentary representation. Berkeley, which contained the metropolis, was the only one of the counties which as yet possessed the machinery and accommodation of a county court ; and the provincial government having appointed the election to take place at Charleston, the inhabitants of Berkeley combined to prevent the people of Colleton from voting at all, and themselves returned the whole twenty members. They insisted that this advantage was due to their own superiority in number of people, — a circumstance which at least enabled them to indulge the pretension it suggested.

When the proprietaries were informed of this disregard of their instructions, they expressed the strongest displeasure, and commanded that the parliament should be immediately dissolved, and never again assembled in so irregular a manner.

But their commands were unavailing ; and the unjust encroachment of the Berkeley planters, after maintaining its ground for some time, obtained the countenance and assent of the proprietaries themselves, and continued to prevail, till, at a later period, its abettors were compelled to yield to the indignant and unanimous complaint of the people whom they had presumed to disfranchise. The proprietaries, meanwhile, were exceedingly offended at the reiterated disobedience of their deputies, and, in a remonstrance which they addressed to the governor and council, reminded them, in language which at least expresses good intention, "that the power of magistracy is put into your hands for the good of the people, who ought not to be turned into prey, as we doubt hath been too much practised." It was remarked that the dealers in Indian slaves were the keenest opponents of the claim of Colleton county to share in the exercise of the elective franchise ;—a coincidence forcibly demonstrating that the indulgence of selfishness and tyranny in any one relation or department of conduct tends entirely to pervert or extinguish in men's minds the sense of what is due to their fellows. Although the proprietaries at times expressed themselves, as on this last occasion, with vigor and wisdom, they seem to have been quite incapacitated, by ignorance or irresolution, from conceiving or pursuing a consistent scheme of policy. It was found that some of the counsellors, and even the commissioners that were appointed to watch over the interests of the Indians, encouraged the traffic in Indian slaves ; and though Moreton was able to remove these delinquents from office, they succeeded in rendering his own situation so disagreeable to him, that he was constrained to resign his command, which was immediately conferred by the council on West, who suffered the people to continue the practice of inveigling and kidnapping the Indians without restraint. The proprietaries then intrusted the government to Sir Richard Kyrle, an Irishman, who died soon after his arrival in the province. West, thereupon [1684], was again chosen interim governor by the council, whose appointment, on this occasion, received the acquiescence of the proprietaries. But he was shortly after superseded by Colonel Quarry, who himself retained the office only till the



following year, when, in consequence of the countenance he was found to have given to piracy, he, in his turn, was dismissed [1685], and Joseph Moreton reinstated in the government.<sup>1</sup>

The American seas had been long infested by a race of daring adventurers, privateers in time of war, pirates in time of peace, whose martial exploits, and successful depredations on the rich colonies and commerce of Spain, enabled them to conciliate the regard or purchase the connivance of many of the inhabitants of the British colonies, and even of the authorities, supreme as well as subordinate, of the British empire. The king himself, for several years after his restoration, extended to them his patronage; and he even granted the honor of knighthood to one of their number, Henry Morgan, a Welshman, who plundered Portobello and Panama, and acquired a prodigious booty by his achievements. Thus recommended by the king to the favorable regards of his subjects, those freebooters found it no less easy than advantageous to cultivate a friendly connection with the people of Carolina, who willingly opened their ports and furnished supplies of provisions to guests who lavishly spent their golden spoils in the colony. The treaty between England and Spain in 1667, together with the increasingly lawless character of the adventurers, had caused the king to withdraw his protection from them; but they continued, nevertheless, to maintain, and even extend, their intercourse with the planters and authorities of Carolina. The governor, the proprietary deputies, and the principal inhabitants, degraded themselves to a level with the vilest of mankind, by abetting the crimes of pirates, and wil-

<sup>1</sup> Oldmixon. Hewit. Chalmers. From Oldmixon's *Lists*, it appears that Colonel Quarry held official situations under the crown in several of the provinces at the same time. In the year 1703, he presented to the Lords of Trade a memorial on the state of the American colonies, which is preserved among the *Harleian Collection*, in the British Museum. The main object of this memorial is to recommend an alteration of the colonial constitutions, for the promotion of the power of the crown in the several States, and facilitating the general defence of the territorial claims and possessions of England in America. Quarry expresses dislike and disapprobation of every colony in proportion to the freedom of its municipal constitution, and dwells with emphatic malignity on "the robbery and villany of the rulers of Connecticut." He undertakes to prove that the charter of Pennsylvania conferred no powers of government. He eulogizes Lord Cornbury, the tyrannical governor of New York, and strongly recommends his appointment to the command of Pennsylvania.

lingly purchasing their nefarious acquisitions. The proprietaries warmly remonstrated against practices so disgraceful to the province, and corruptive of the manners of all who participated in them ; and their orders, backed by a proclamation from the king, prevailed so far as to restrain the colonists from indulging an inclination they had entertained of sharing in the enterprises as well as the gains of their piratical associates. But they obstinately persisted in their wonted intercourse with these adventurers,—which, diffusing among them the infectious desire of sudden wealth and the relish of luxurious and expensive pleasure, contributed to the formation of habits pernicious to every community, but more particularly injurious to the prosperity of an infant settlement. Traces of these habits continued long to be discernible in the manners of the inhabitants of Carolina. The king, at length aroused by the complaints of his allies, and sensible how much the trade of his own subjects was injured by piratical ravages, transmitted to the colony, in April, 1684, “a law against pirates,” which the proprietaries required their parliament to adopt and publish, and their executive officers strictly to execute. The first part of this injunction was readily complied with ; but the evil had become so inveterate, that the law, instead of being carried into effect, was openly violated even by its promulgators. It was not till three years after, that the evil received an effectual check, from an expedition which James the Second despatched under Sir Robert Holmes, for the suppression of piracy in the West Indies. Of this expedition the proprietaries sent intimation to the governor and council of Charleston, and recommended to them a prompt submission to the authority, and coöperation with the enterprise, of Holmes ; and their mandates being now supported by a force sufficient to overcome all opposition, those disgraceful proceedings sustained a complete, though, unfortunately, only a temporary interruption.<sup>1</sup>

Meanwhile, the obloquy and disrepute which the province of South Carolina thus deservedly incurred was not the only inconvenience that resulted from its connection with the pirates. The Spaniards at St. Augustine had always regarded the

<sup>1</sup> Hewit. Chalmers.

southern settlements of the English with jealousy and dislike ; they suspected, and not without reason, that the Scotch planters at Port Royal inflamed the Indians against them ; and they beheld with indignation the plunderers of their commerce openly encouraged at Charleston. After threatening for some time to avenge themselves by hostilities, they invaded the southern frontiers of the province, and laid waste the settlements of Port Royal. The Carolinians, finding themselves unable to defend a widely extended frontier, resolved to carry their arms into the heart of their enemy's territory ; and deeming themselves authorized by the tenor of the provincial charter to levy war on their neighbours, they made preparations for an expedition against St. Augustine. [1686.] But the proprietaries, informed of this project, hastened to withstand it by their remonstrance and prohibition. Every rational being, they remarked, must have foreseen that the Spaniards, provoked by such injuries as the colonists had wantonly inflicted on them, would assuredly retaliate. The clause of the charter which was relied on by the colonists to justify their projected invasion meant no more (they maintained) than a pursuit in heat of victory, and never could authorize a deliberate prosecution of war against the king of Spain's subjects within his own territories. "We ourselves," they protested, "claim no such power ; nor can any man believe that the dependencies of England can have liberty to make war upon the king's allies, without his knowledge or consent." They signified, at the same time, their dissent from a law which had been passed for raising men and money for the projected expedition against the Spaniards ; and the colonists, either convinced by their reasonings, or disabled from collecting the necessary supplies, abandoned the enterprise. Learning this result, the proprietaries congratulated the governor and council on their timely retraction of a purpose, which, had it been carried into effect, they declared, would have exposed its authors to capital punishment. They instructed them to address *a civil letter* to the governor of St. Augustine, desiring to know by what authority he had acted in committing the late hostilities ; and in the mean time to put the province in a posture of defence.<sup>1</sup> From

<sup>1</sup> Chalmers.



this period, mutual suspicion and animosity rarely ceased to prevail between the Spanish and English colonists in Florida and Carolina.

When the governor and council received intelligence of the death of Charles the Second, they proclaimed his successor with expressions of loyalty and joy, probably the effusions of mere levity and love of change, but which gave so much satisfaction to James, that he communicated to them, in return, the assurance of his favor and protection. His sincerity herein was on a par with their own; for he already meditated the revocation of the colonial charter, and the annihilation of all their privileges. He was prevented, indeed, from completing these intentions, and his reign was productive of events that proved highly advantageous to the colony. Many of his English subjects, apprehending danger from his arbitrary principles and his adherence to the church of Rome, sought beyond the Atlantic Ocean a retreat from his more direct and immediate sway; being determined rather to endure the severest hardships abroad, than to witness the establishment of popery and tyranny in England. The population of America, recruited by these emigrations, derived even a larger accession from the persecution of the Protestants in France, that followed the revocation, in 1685, of the edict of Nantes. Above half a million of her most useful and industrious citizens, expelled from France, carried with them into England, Holland, and other European states the arts and manufactures to which their own native land chiefly owed her enrichment. James, affecting to participate the indignation that was expressed by his subjects at the persecution exercised by the French monarch, hastened to tender the most friendly assistance to the distressed Huguenots who sought shelter in his dominions; and besides those who established themselves in England, considerable numbers were enabled to transport themselves to the British settlements in America. Many, also, who needed not his bounty, and who dreaded his designs, purchased estates in America with their own money, and retreated to the same distant region. Among the other colonies which thus reaped advantage from the oppression inflicted in France and the apprehensions entertained in England, Carolina obtained an

acquisition of people. A number of the French refugees, in particular, having purchased lands from the proprietaries, who were ever on the watch to encourage emigration to their territories, embarked with their families for this colony, and made a valuable addition to its industry, prosperity, and population.<sup>1</sup>

Although the colonists had as yet made but small progress in cultivating their territory, and still found their efforts impeded and their numbers abridged by the obstructions of the forest and the ravages of disease, they were now beginning to surmount the first difficulties and disadvantages of their situation. Their cattle, requiring neither edifices nor attendance, found sufficient shelter and abundant nourishment in the woods, and increased to an amazing degree. The planters traded to the West Indies for rum and sugar, in return for their lumber and provisions; and England supplied them with clothes, arms, ammunition, and utensils for building and cultivation, in exchange for their deer-skins, furs, and naval stores. This commerce, inconsiderable as it was, already began to attract attention; and a collector of the customs was established at Charleston, soon after the accession of James to the throne. The proprietaries enjoined their provincial officers to show a becoming forwardness in assisting the collection of the duty on tobacco transported to other colonies, and in seizing ships that presumed to trade without regard to the Acts of Navigation. But, although the proprietaries enjoyed in theory the most absolute authority within the province, and seemed, indeed, to engross the whole powers of government, they had long been sensible of the practical inefficiency of every one of their mandates that was opposed to the sentiments or manners of the people.

The injunction which we have last remarked was not only violated, but openly and argumentatively disputed by the colonists and the provincial judges and magistrates, who insisted that they were exempted from the operation of the Navigation Acts by the terms of the provincial charter, — *against which*,

<sup>1</sup> Hume's *England*. Hewit. Chalmers. Hallam. "Happy America!" exclaimed the British statesman, Fox, about a century afterwards, — "you profit by the folly and madness of the governments of Europe; and afford in your more congenial clime an asylum to those virtues and blessings they wantonly contemn."

they plainly informed the collector of the customs, that *they held an act of parliament to be of no force whatever*. As the charter was posterior in date to the Navigation Act, this was in effect to contend for the dispensing power of the crown, and to urge against the king himself the very doctrine which he forfeited his throne by attempting to establish. Illegal and dangerous as a plea involving such doctrine may at first sight appear, it will be found, in proportion as we examine it, that it is very far from being destitute of support, whether from natural reason or legal principle. It was the charter alone that had practically annexed the provincial territory to the British empire ; and it was to the execution and validity of this charter alone that Great Britain could refer for legal evidence of the connection between herself and the provincial population. The planters, possessing the power of transferring their residence and labor to any region where they might please to settle, and the benefit of their allegiance to any sovereign whose stipulations in their favor might appear satisfactory to them, had, on the faith of this charter, and of its due fulfilment in all points, formed and reared, at a great expense, their present settlement ; and in all the courts of Great Britain the charter was undoubtedly held a valid paction in so far as it imposed obligations on them. There appears, then, nothing unjust or inequitable in the claim of these persons, that a charter which formed their original paction and bond of union with the mother country, on the faith of which their allegiance was pledged and their settlement created, and which was, on all hands, acknowledged to be strictly valid in so far as it imposed obligations upon them, should be held no less sacred in respect of the privileges which it conceded to them. While it enjoyed a legal subsistence, it was entitled to claim an entire and equal operation ; and if it were to be set aside, the grantees should have been left at liberty to attach themselves to some other dominion, if they could not arrange with Britain new terms of a prorogated connection with her. Yet must it be acknowledged, that the legal competence, if not the natural equity, of this plea is not a little abated by the consideration, that it was disclaimed by the proprietaries, and preferred exclusively by the resident provincial population. The proprietaries vainly disputed the reasonableness of the provin-



cial plea, and as vainly prohibited the continuance of the relative practices. Neither awed by their authority, nor convinced by their reasonings, nor yet deterred by the frequent seizures of their own vessels and merchandise, the colonists continued to defend the legitimacy and persist in the practice of trading wheresoever and in whatsoever commodities they pleased. While the proprietaries were struggling with the difficulties of this controversy, they received a new and more painful addition to their embarrassments, from the alarming intelligence, that the king, having adopted the resolution of annihilating all proprietary governments, had directed a writ of *quo warranto* to be issued against the patent of Carolina. Thus, neither their submission to every royal mandate, nor their readiness to assist, with their feeble power, the collection of the royal revenue and the execution of the Acts of Navigation, could protect the chartered rights of the proprietaries from the injustice of the king. Yet prudentially bending beneath the violence which they were unable to resist, they eluded the force of an attack which proved fatal to the charter of Massachusetts ; and by proposing a treaty for the surrender of their patent, they gained such delay as left them in possession of it at the period of the British Revolution.<sup>1</sup>

Governor Moreton, after his second appointment [1686] to the presidency of the colony, was permitted to retain it little more than a year. Though endowed with a considerable share of sense and ability, and connected with some respectable provincial families, he found his instructions from England so inconsistent with the prevailing views and general interests of the people, that it was difficult to perform the duties of his office at all, and impossible to discharge them satisfactorily. He was a man of sober and religious disposition ; and being married to the sister of Blake, it was hoped by the friends of piety and good morals that his authority would be strengthened by this alliance, and an effectual check imposed on the more licentious and disorderly portion of the colonists. But a majority of the council entertained very different views and sentiments from those of the governor with respect to the conduct of the provincial administration, and incessantly claimed much greater

<sup>1</sup> Hewit. Chalmers. *State Papers*, *ibid*.

indulgences for the people than he felt himself warranted to bestow. Hence there arose in the colony two political parties ; the one attached to the prerogative and authority of the proprietaries, the other devoted to the interests of popular liberty. By the one it was contended that the laws and regulations transmitted from England should be strictly and implicitly obeyed ; the other professed and exemplified more regard to the local circumstances of the colony, and maintained that the freemen were required to observe the injunctions of the proprietaries only in so far as they coincided with the interest of the resident population and the prosperity of the settlement. In such circumstances, no governor could long maintain his authority over a community of bold and restless adventurers, averse to all restraint, and active in improving every occasion of advancing their own interests ; for, whenever he attempted to control their inclinations by the exercise of his official power, they insulted his person, and aspersed his conduct, till they succeeded in having him deprived of his functions. The proprietaries finding that Moreton was become obnoxious to a considerable party among the people, now resolved, with their usual feeble policy, to sacrifice him to the enmity which his integrity had provoked ; and having accordingly displaced him [August, 1686], they appointed as his successor James Colleton, a brother of one of their own number, and on whose attachment to the proprietary interest they thought themselves entitled to rely. Colleton's fortune and connections, it was expected, would add to the consideration of his official dignity ; and to lend him the greater weight, he was created a landgrave of the colony, with the appropriate endowment of forty-eight thousand acres of land. A high opinion was entertained by his constituents of his good sense and address ; but either it was very ill-founded, or he was deprived of discretion and self-possession by the confusions and cabals in which he found himself involved. To his great mortification, he was quickly made sensible that the proprietary government had acquired very little stability, and was continually declining in the respect of its subjects. His own imprudence contributed materially to increase the weakness and discredit into which it had fallen.<sup>1</sup>

<sup>1</sup> Hewit.

The commencement of Colleton's administration gave universal satisfaction. But his instructions, requiring him to undertake what his authority was insufficient to accomplish, — the punishment of almost all the other provincial officers for various instances of disobedience to the proprietaries, and the rigorous execution of the unpopular law against pirates, — very soon embroiled him with a numerous party of the planters. The form of the municipal constitution, composed of a variety of jurisdictions and investing the parliament with the choice of members for the grand council, afforded perpetual scope and temptation to political intrigue ; and a diversity of factions sprung up, *as rampant*, says Oldmixon, *as if the people had been made wanton by many ages of prosperity*. A parliament having been summoned by Colleton [November, 1686], the majority of the members openly expressed their disapprobation of the Fundamental Constitutions ; and a committee of their number, whom they appointed to revise and amend that political compact, deliberately composed the frame of a new and very different scheme of government, which they denominated *the standing laws of Carolina*, and transmitted to England for the consideration of the proprietaries. The reception of such a communication might have been easily foreseen. The proprietaries hesitated not a moment to reject those audacious innovations, and to command an instant and unreserved submission to the Fundamental Constitutions thus irreverently handled. But men who had espoused such resolute policy were not to be deterred from the prosecution of their purpose by a consequence so obvious as the displeasure of the proprietaries ; and a majority of the assembly still positively refused to acknowledge the authority of the Fundamental Constitutions. The refractory members were then expelled from the house by the governor ; whereupon, after an open protest against the validity of any laws that might be enacted in their absence by a minority of the commons, they retired into the country, and diligently endeavoured to instil their own principles and discontents into the minds of their fellow-colonists. So successful were their exertions for this purpose, that, when a new parliament was convoked, the undisguised and unanimous purpose of the members was to thwart and contradict the governor in whatsoever proceedings he might em-



brace, recommend, or be supposed to approve. To this line of policy they adhered with the most inflexible pertinacity ; they even refused to frame a militia act, though the safety of the province, endangered by the Spaniards and their Indian allies, seemed urgently to demand this measure ; and, in fine, to make sure of giving sanction to nothing that could possibly be agreeable to the governor, they flatly declined to pass any laws at all. A dispute in which they engaged with him about the payment of quitrents afforded them an additional opportunity of indulging their spleen and increasing their popularity. Colleton urgently pressed for payment of the arrears of the quitrents due to the proprietaries by the colonists, which, though inconsiderable in amount, were reckoned extremely burdensome, inasmuch as not one acre among a thousand for which quitrents were demanded yielded as yet any profit to the possessors. [1687]. Finding it impossible to accomplish an object so unpopular, without the active coöperation of the other provincial officers, he wrote to the proprietaries, requesting them to appoint as deputies certain persons whom he knew to be favorably disposed towards their authority, and from whom he expected to receive a cordial support in the execution of his official duty. Apprized of this measure, the adverse party scrupled no violence or injustice to defeat or counteract it. Letters from England, suspected to contain deputations to persons obnoxious to the people, they seized and suppressed ; and themselves presumed to nominate other individuals better affected to the popular cause. Advancing in this lawless course, the leaders of the popular party ventured to issue writs in their own names [1688], and convoked assemblies in opposition to the governor, and in utter disregard of the sovereignty of the proprietaries. They imprisoned the secretary of the province, and took forcible possession of the public records ; and without appearing to have any fixed or definite object in view, effected a complete practical subversion of legitimate authority. Only a bold and determined usurper was wanting to possess himself of the power, which they seemed more eager to suspend or overthrow, than resolutely or permanently to appropriate ; and a personage altogether fitted to take advantage of the opportunity did not fail shortly after to present himself. Amidst this scene

of confusion, the tidings of the birth of a Prince of Wales were received in the colony, and celebrated by all parties with appearances of sympathy and congratulation ; and yet so unmeaning were these expressions, or so absorbed were the colonists with their own domestic cabals, and so regardless of all changes beyond their own immediate sphere, that the intelligence of the revolution in England, though closely following the other event, excited no emotion whatever, and William and Mary were proclaimed [1689] with the most mechanical regularity and indifference.<sup>1</sup>

Colleton, mortified by the insignificance to which he was reduced, and alarmed by the bold and seditious spirit of the people, vainly perplexed himself with a variety of schemes for recalling them to the recognition of legal authority. His own conduct had been far from blameless, and even attracted censure from the quarter on which he principally relied for countenance and protection. Among other irregularities into which he was betrayed, he had imposed an arbitrary fine of one hundred pounds on a minister, *for preaching* what he accounted *a seditious sermon* ; and the proprietaries remitted the fine, not on account of the illegality of its infliction, but of the exorbitance of its amount. It was finally suggested to him, whether by imprudent partisans or insidious counsellors, that to proclaim martial law, and thereby appropriate to himself an exclusive and unlimited power to punish mutiny and sedition, was the only means that remained of reducing the people to subordination. Actuated by this purpose, though professing to apprehend an invasion of the Spaniards and Indians, he published a proclamation announcing the prevalence of martial law, and requiring every one of the inhabitants to appear in arms for the defence of the province. However legitimate, however consistent with the provisions of the charter, this measure was imprudent in the extreme ; because the colonists, thus summoned to arms, were far more inclined to turn their weapons against the governor himself than against the supposed public enemy. Colleton's policy was easily penetrated, and as easily defeated. The members of the provincial legislature, having spontaneously as-

<sup>1</sup> Archdale. Oldmixon. Hewit. Chalmers.

sembled, resolved, after a short deliberation, that the governor by his recent conduct had made a daring encroachment on their liberties, and an unwarrantable exertion of power at a time when the colony was in no danger from foreign hostility. Colleton, however, driven to extremity, persisted in his proclamation of martial law, and vainly attempted to enforce the articles of war. But he very soon discovered that the disaffection was too general to admit of such a remedy, and that all his efforts served but to unite the mass of the people more firmly in opposition to his authority. It was suggested by some of his opponents, that the sole object of his present operations was to acquire to himself a monopoly of the Indian trade; and this surmise, with every other imputation, however groundless or improbable, was readily credited by a people to whom for years he had been an object of suspicion and dislike.<sup>1</sup>

During the ferment that ensued on these transactions, Seth Sothel, whom we have seen banished from Albemarle, and recalled by the other proprietaries to justify his conduct, suddenly presented himself at Charleston, and, in the double capacity of a proprietary of the province and a champion of popular rights against proprietary pretensions, laid claim to the possession of supreme authority. [1690.] Hailed at once with the rash and eager acclaim of a numerous party, he succeeded without difficulty in prevailing over the opposition of the governor and the more respectable inhabitants, and in possessing himself of the reins of government, which had long waited and invited the grasp of some vigorous hand. With a specious show of respect to petitions which had been suggested by himself, he consented to convene a parliament; and, amidst the confusion and distraction to which the province was a prey, found it easy to procure the election of members who were ready to sanction by their votes whatever measures he might propose to them. Colleton was, in this assembly, impeached of high crimes and misdemeanours, and by their sentence not only adjudged incapable of ever again holding office in the government, but banished from the province. Other persons, who were accused of having abetted his misconduct, were sub-

<sup>1</sup> Hewit. Chalmers.



jected to fine, imprisonment, or exile. Having now gained firm possession of the supreme authority, and, under pretence of gratifying the resentments of the people, enriched himself by forfeitures, and disencumbered himself of rival candidates for office, Sothel exercised his power with a despotic energy and indiscriminate insolence, that effectually rebuked and punished the folly of those who permitted him to obtain it, and soon united the southern colony against him in the same unanimous hatred which he had provoked in the sister settlement of North Carolina. He is said to have trampled under foot every restraint of justice and equity, and to have ruled the colonists with a violence of undisguised tyranny, of which the endurance, even for the short period of two years, appears altogether surprising. The replenishment of his coffers was the sole object of his government; and his financial operations were varied only by varieties of fraud and rapine. The fair traders from Barbadoes and Bermuda were seized by his orders, upon false accusations of piracy, and compelled to purchase their ransom from imprisonment by enormous fines; bribes were accepted from real felons to favor their escape from justice; and the property of unoffending individuals was seized and confiscated on the most groundless and tyrannical pretences. The proprietaries, hearing with astonishment of these outrageous proceedings, transmitted letters of recall to Sothel [1692], and threatened, in case of his disobedience, to procure a *mandamus* from the king to compel his appearance in England; and their orders being now cordially seconded by the desire of the people, the usurper was constrained to vacate his functions and abandon the province. He retired, however, no farther than to North Carolina, where he died in the year 1694.<sup>1</sup>

The revolution of the British government excited very little attention in either of the provincial communities of Carolina, which were too remotely connected with the higher institutions of the empire to be sensibly affected by the changes they underwent. It was from the proprietaries alone that they could expect the interposition of a superior power to arrest or repair the misrule, contention, and other afflictions, that had so long

<sup>1</sup> Hewit. Chalmers. Williamson.

composed the chief part of the history both of the northern and the southern settlements. In the hope of accomplishing this desirable object, the proprietaries, on the deposition of Sothel, intrusted the government of the whole of their domains to Colonel Philip Ludwell, a person totally unconnected with the province and the factions that prevailed in it, and who had been deputed by his countrymen in Virginia to present to the English government their complaints against Lord Effingham.<sup>1</sup> The proprietaries directed their new governor to publish to the inhabitants a general pardon for all crimes formerly committed, to inquire into all real or pretended grievances, and to propose to themselves the measures he should judge best calculated to preserve order and restore happiness. He was accompanied by Sir Nathaniel Johnson, who had been governor of the Leeward Islands in the preceding reign, and who, having now embraced the design of retiring to Carolina, was appointed a cacique of the province and a member of the council. Ludwell, who was a man of sense and humanity, and possessed considerable experience of colonial affairs, commenced his administration in a manner that gave general satisfaction, and seemed to have completely allayed the ferments and distractions of the provincial community. But this promising appearance was of short duration; the minds of men had been too long and too violently agitated to relapse at once into a settled composure; and a circumstance which truly betokened the improvement and prosperity of the province proved the immediate occasion of the revival of public discontents.

In the year 1690, a great number of French Protestant exiles took refuge in England, whence a large portion of them were conveyed, at the expense of the British government, to the colony of Virginia. Others, who were less indigent, purchased lands in South Carolina (to which we have already remarked a previous migration of some of their countrymen), and, having transported themselves and their families to this province, brought a valuable accession to the numerical strength as well as to the industry and respectability of its people. The French settlers had taken the oath of allegiance to the king,

<sup>1</sup> Book II., Chap. III., *ante*.

and promised fidelity to the proprietaries, and were disposed to regard the colonists whom they joined in the friendly aspect of brethren and fellow-citizens. But, unhappily, these older colonists were very far from regarding their new associates with reciprocal confidence and good-will. The numbers of the strangers, and the superior wealth which some of them were reputed to possess, awakened envy, jealousy, and national antipathy in the minds of the English; and when Ludwell, in compliance with the instructions of the proprietaries, proposed to admit the refugees to a participation in all the franchises and immunities of the other planters, the English and native inhabitants refused to acquiesce in this measure, and resolutely opposed its execution. They insisted that it was contrary to the laws of England, and therefore beyond the competence of the proprietaries, who were subject to these laws; and that no power but that of the English parliament could dispense with the legal inability of aliens to purchase lands within the empire, or could incorporate them into the national community, and make them partakers of the rights and privileges of natural-born Englishmen. They even maintained that the marriages of the refugees, performed by the clergymen who accompanied them, were unlawful, as being celebrated by ministers not consecrated by episcopal ordination; and for themselves they declared that they could not brook the thought of sitting in the same assembly with the rivals of the English nation, or of receiving laws from Frenchmen, the pupils of a system of slavery and arbitrary government.

Alarmed by these menacing declarations, the unfortunate refugees implored the protection of the proprietaries; and Ludwell found it necessary to suspend the measure he had announced, and to apply to the same quarter for farther directions. The proprietaries returned a conciliatory but indecisive answer to the application of the refugees, who continued in a state of anxious solicitude and entire privation of civil rights for several years after; <sup>1</sup> when, at length, their mild and patient

<sup>1</sup> This scene was reproduced on a larger scale in England in the following year, when a bill, entertained by the House of Commons, for the purpose of naturalizing the Protestant foreigners settled in the parent state, was withdrawn in consequence of the general indignation which it provoked. Smollett.



demeanour overcame the antipathy of their former adversaries, who then cordially sanctioned the pretensions they had so stoutly resisted, and passed a law of naturalization in favor of the aliens, without being disturbed by any scruples about invading the functions of the British parliament. Meanwhile the dispute that had arisen on this subject spread a great deal of irritation through the province, which was increased by the arrival of a crew of pirates, whom Ludwell caused to be apprehended and brought to trial for their crimes. The people exclaimed against the severity of this proceeding, and interested themselves so effectually in behalf of the pirates, who, previous to their apprehension, had spent a great deal of money very freely in the province, that on their trials they were all acquitted, and the government was even compelled to indemnify them for the expenses and molestation they had incurred. It was not till more than twenty years after this period that Carolina was finally delivered from the resort of pirates. Farther disputes now arose between the government and the people about the arrears of the quitrents that were due to the proprietaries, who at length becoming impatient of this untoward issue of Ludwell's administration, and suspecting him of bending too readily to the popular will, deprived him of his office, and conferred it, together with the dignity of landgrave, upon Thomas Smith, a wealthy planter, and a prudent, upright, and popular man.<sup>1</sup>

It was in the midst of these disputes, and with the hope of appeasing them, that the proprietaries surrendered to the general dislike of the people the *Fundamental Constitutions*, which had been originally declared sacred and changeless, but which an experience of twenty-three years had proved to be utterly absurd and impracticable. [1693.] Apprized of the incurable aversion with which this instrument was now regarded by all classes of the colonists, and despairing of ever establishing a solid or respected frame of government among them without making some considerable sacrifice to their inclinations, the proprietaries with this view embraced and published the following resolution: "That, as the people have declared they

<sup>1</sup> Archdale. Oldmixon. Chalmers. Hewit. Williamson.

would rather be governed by the powers granted by the charter, without regard to the *Fundamental Constitutions*, it will be for their quiet, and the protection of the well-disposed, to grant their request.”<sup>1</sup> Thus expired the political system devised by John Locke. Its fate was unregretted by any party ; for it had neither procured respect to the government, nor afforded happiness to the people. What is still more singular, it seems to have perished unheeded ; its abolition exciting no emotion whatever, and not being even noticed in any public act or order within the province. The convocations that were formerly termed parliaments were now called assemblies ;<sup>2</sup> and this was all the visible change that took place. So perfectly inappropriate and inapplicable had these celebrated Constitutions been found. All that remained of them was the order of provincial nobility, which continued to drag on a sickly existence for a few years longer.<sup>3</sup>

This important measure, which had been deferred till the Constitutions which it repealed were practically abrogated by their own inefficiency, failed to produce any sensible effect in tranquillizing or conciliating the inhabitants of Carolina. Governor Smith, though he exerted himself with a zeal and prudence that have not been impeached by any party, to promote the peace and prosperity of the settlements intrusted to his care, found his endeavours so fruitless, and his situation so irksome, that he was constrained to solicit his own dismissal from the proprietaries [1694], whom he strongly urged, as the only means of restoring order and tranquillity, to depute as governor one of their own number, invested with plenary power to hear and finally determine on the spot the complaints and controversies by which the province was distracted. The short administration of Smith, nevertheless, was signalized by an occurrence that produced lasting and extensive effects on the prosperity of Carolina. A vessel from Madagascar, on her homeward voyage to Britain, hap-

<sup>1</sup> Chalmers. Williamson.

<sup>2</sup> Williamson.

<sup>3</sup> The operation and fate of Locke's system strikingly exemplify the observation of an eminent American statesman, that “a man may defend the principles of liberty and the rights of mankind with great abilities and success, and yet, after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity.” Adams's *Defence of the American Constitutions*.

pening to touch at Charleston, the captain, in acknowledgment of the hospitable civilities which he received from Smith, presented him with a bag of seed-rice, which (he said) he had seen growing in Eastern countries, where it was deemed excellent food, and yielded a prodigious increase. The governor divided it between several of his friends, who agreed to attempt the experiment of its culture; and planting their parcels in different soils, found the result to exceed their most sanguine expectations. From this casual occurrence Carolina derived her staple commodity, the chief support of her people, and the main source of her opulence.<sup>1</sup>

The proprietaries, disappointed in so many attempts to obtain a satisfactory administration of their authority in the province, determined the more readily to adopt the suggestion of Smith. Their first choice for this purpose fell upon Lord Ashley, grandson of the notorious Shaftesbury, and afterwards author of *The Characteristics*. It was supposed that his talents (of which the repute far exceeded the reality), his agreeable manners, and elevated rank, would promote the efficacy of his endeavours for the pacification of the colony. Happily, however, for all parties, his Lordship, either having little inclination for the voyage, or being detained, as he alleged, by the state of his private affairs in England, declined the appointment, which was then conferred on a far more estimable person, John Archdale, another of the proprietaries, a Quaker, and a man of great prudence and sagacity, united with admirable patience and command of temper. Accepting the office, he was invested with authority so absolute and extensive, that the proprietaries thought fit to record in his commission [August, 1695], that such powers were not to be claimed, in virtue of this precedent, by future governors. Archdale proved himself worthy of the distinguished trust that was reposed in him. He arrived first in South Carolina, where he formed a new council of sensible and moderate men; and in a short time, by remitting some arrears of rent, and by other conciliatory measures, aided by a firmness and mild composure that were neither to be disturbed nor overcome, he prevailed so far

<sup>1</sup> Archdale. Oldmixon. Hewit.



in appeasing the public discontents, as to feel encouraged to call a meeting of the representative assembly.

An address of grateful thanks voted by this body to the proprietaries (the first expression of such sentiments ever uttered in Carolina) attests the wisdom and benignity of Archdale's administration, and justifies the opinion, that, notwithstanding the inflammable materials of which the provincial society was composed, only a good domestic government had been hitherto wanting to render the colony flourishing and happy. Moreton, Ludwell, and Smith were, unquestionably, meritorious governors; but they had been denied the power that was requisite to give efficacy to their wisdom, and could never grant the slightest indulgence to the people without assuming the dangerous liberty of transgressing their own commissions, or abiding the tedious intervention of correspondence with England. Though Archdale was a Quaker, and therefore opposed to military operations and the shedding of blood, yet he adapted his public policy to the sentiments of the people whom he had undertaken to govern; and considering that a small colony, surrounded by savage enemies, and exposed to the attacks of the Spaniards, should maintain a constant state of defensive preparation, he promoted a militia law [1695], which, however, exempted all persons holding the same religious principles with himself from bearing arms.<sup>1</sup> While he thus adopted measures for insuring safety, he was far from neglecting the humaner means of preserving peace; and for this purpose exerted himself so successfully, by the exercise of courtesy and liberality, to cultivate the good-will both of the civilized and savage neighbours of the province, that the

<sup>1</sup> The following clause, by which this exemption was expressed, illustrates the confidence that Archdale enjoyed with the colonists. "And whereas there be several inhabitants called Quakers, who, upon a conscientious principle of religion, cannot bear arms, and because in all other civil matters they have been persons obedient to government, and ever ready to disburse their moneys in other necessary and public duties: Be it therefore enacted, that all such, whom the present governor, John Archdale, Esq., shall judge that they refuse to bear arms on a conscientious principle of religion only, shall, by a certificate from him, be excused." Archdale's *Preface*. Williamson.

Archdale manifested his own strict adherence to Quaker principles, when (after his return to England) he was elected, in the year 1698, member of parliament for the borough of Chipping Wycombe. He entered the House of Commons; but, declining the usual oaths, and tendering a simple affirmation instead of them, was not permitted to take his seat in this assembly.

Spaniards at St. Augustine expressed for the first time a desire to maintain friendly relations with the English; and various tribes of Indians courted their alliance, and placed themselves under the protection of the government of Carolina. The Indians around Cape Fear, in particular, who had long pursued the practice of plundering shipwrecked vessels<sup>1</sup> and murdering their crews, renounced this inhumanity, and demonstrated the favorable change of their disposition by mitigating, with charitable relief, the numerous disasters by which the navigation of that coast was then unhappily signalized. Yet how inferior the worldly renown of Archdale, the instrument of so much good, to the more cherished fame of his less efficient and far less disinterested contemporary and fellow-sectary, William Penn!

In North Carolina, the administration of Archdale was attended with equal success, and conducted with greater facility from the coöperation of a number of Quakers who inhabited the settlements in this quarter, and with whom he enjoyed a large share of personal or sectarian influence. The esteem in which he was held by all ranks of men may be inferred from the elation with which the historian of North Carolina has recorded, as a circumstance redounding to the honor of this province, that Archdale purchased an estate at Albemarle, and gave one of his daughters in marriage to a planter at Pasquetanke. But it was not his design to remain longer in Carolina than was necessary for the adjustment of the existing controversies; and having accomplished this object to an extent that surpassed the expectations of all parties, he returned to England in the close of the year 1696, loaded with the grateful benedictions of a people to whose peace and prosperity he had been so highly instrumental. The only portion of the inhabitants to whom he was unable to give complete satisfaction were the French refugees, against whom the jealous antipathy

<sup>1</sup> It is remarked by a statistical writer (Warden), that, notwithstanding the temptations presented by the frequency of shipwrecks on the coast of Carolina, no instance ever occurred of the plunder of a wreck by the colonists. In this respect they have been distinguished, not, indeed, from the other colonists of North America, but from the inhabitants of the parent state, in which this inhumanity obtained so long and unreprieved a prevalence, that, in the middle of the eighteenth century, Pope represents the enrichment of "a citizen of sober fame" as originating in two rich shipwrecks on his lands in Cornwall.

of the English settlers had not yet subsided. But while he soothed the public jealousy by declining to advocate the political enfranchisement of the refugees, he awakened public generosity by an impressive recommendation of these unfortunate strangers to the hospitality and compassion of his countrymen; and to the refugees themselves he recommended a patient perseverance in those virtues that tend to disarm human enmity, and by the actual exercise of which they were enabled shortly after to overcome the aversion, and even conciliate the friendly regards, of their fellow-colonists.<sup>1</sup>

It was in this year that a regular administration of the ordinances of religion was first introduced into South Carolina, by the assistance of the colonists of New England. Intelligence of the destitute state of the province in this respect, seconded by the earnest applications of some pious individuals among the planters, had induced the New Englanders, in the preceding year, to form an association at Dorchester, in Massachusetts, which was designed to be removed to Carolina, "to encourage the settlement of churches and the promotion of religion in the southern plantations." The persons thus associated, having placed at their head a distinguished minister of the New England churches, arrived in the beginning of this year in South Carolina, which now for the first time was honored by the celebration of the rite of the Lord's supper. Proceeding to a spot on the northeast bank of Ashley River, about eighteen miles from Charleston, the pious emigrants founded there a settlement, to which, in commemoration of the place they had left, they gave the name of Dorchester.

Among other extraordinary privileges, there was granted to Archdale the power of nominating his successor; and in the exercise of this power he propagated the benefit of his own administration, by delegating the office of governor to Joseph Blake (nephew of the English admiral), a man of probity, prudence, and moderation, acceptable to the people, and a

<sup>1</sup> Archdale. Oldmixon. Hewit. Williamson. Some years after his return to England, Archdale published his *Statistical and Historical Description of Carolina*; a work replete with good sense, benevolence, and piety. He there relates, that, while he was governor, he caused an Indian to be hanged for having, in a fit of drunkenness, murdered another Indian of a different tribe. Here again the politician prevailed over the Quaker.



proprietary of the province. Blake governed the colony wisely and happily for a period of four years. Shortly after his elevation to office, there was transmitted to Carolina a new code of fundamental constitutions, subscribed by the Earl of Bath, the actual palatine, and by the other proprietaries in England ; but it was never accepted or recognized by the provincial assembly. Blake exerted the most laudable endeavours to promote the religious instruction of the people, and to facilitate the exercise of divine worship to all denominations of Christian professors. In the year 1698, he had the satisfaction to see John Cotton, a son of the celebrated minister of Boston, remove from Plymouth, in New England, to Charleston, in South Carolina, where he gathered a church, and enjoyed a short, but happy and successful, ministry. Though Blake was himself a Dissenter, yet, from regard to the wishes and the spiritual interests of the Episcopalian portion of the inhabitants of Charleston, he caused a bill to be introduced into the assembly for settling a perpetual provision of one hundred and fifty pounds a year, with a house and other advantages, on the Episcopal minister of that city. Marshall, the person who then enjoyed this pastoral function, had gained universal esteem by his piety and prudence ; and the Dissenters in the house of assembly acquiescing in the measure, from regard to this individual, the bill was passed into a law.<sup>1</sup> [1698.] Those who may be disposed to think that the Dissenters acted amiss, and stretched their liberality beyond the proper limits of this virtue, in promoting the national establishment of a church from which they had themselves conscientiously withdrawn, may regard the persecution they soon after sustained from the Episcopal party as a merited retribution for their practical negation of dissenting principles. Those who judge more leniently an error which there is little reason to suppose will be ever frequent in the world, must regret and condemn the ungrateful return which the Dissenters experienced from a party for whose advantage they had incurred so considerable a sacrifice.

With the administration of Blake, who died in the year 1700, ended the short interval of tranquillity which originated

<sup>1</sup> Oldmixon. Wynne. Hewit. *Collections of the Massachusetts Historical Society.* Holmes.

with the government of Archdale. Under the rule of his immediate successors, James Moore and Sir Nathaniel Johnson, the colony was harassed with Indian wars, involved in a heavy debt by an ill-conducted and fruitless expedition against the Spaniards at St. Augustine, and agitated by religious disputes engendered by a series of persecuting laws against the Dissenters. Henceforward the proprietary government continued (with the exception of one returning gleam of success and popularity, which it derived from the administration of Charles Craven, in 1712) to afflict the province with a vile and pernicious misrule, and to fluctuate between the aversion and contempt of its subjects, till they were relieved by its dissolution in the year 1729, when the chartered interests were sold to the crown.

The first Indian war by which this period was signalized broke out in the year 1703, and was occasioned by the influence of the Spaniards over the tribes that inhabited the region of Apalachia. Resenting with cruel and disproportioned rage the affronts which these savages were instigated by the Spaniards to commit, Governor Moore determined by one vigorous effort to break their power, and by a sanguinary example to impress on all the Indian race a dread of the English name. At the head of a strong detachment of the provincial militia, reinforced by a troop of Indian allies, he marched into the hostile settlements; defeated the enemy with a loss of eight hundred of their number, who were either killed or taken prisoners; laid waste all the Indian towns between the rivers Alatomaha and Savannah; and reduced the whole district of Apalachia to submission. To improve his conquest, he transported fourteen hundred of the Apalachian Indians to the territory which was afterwards denominated Georgia, where they were compelled to dwell in a state of dependence on the government of South Carolina.<sup>1</sup>

When the proprietaries of Carolina first embraced the project of a colonial plantation, they solemnly declared, and

<sup>1</sup> *Modern Universal History*. Hewit. In the year 1700, Charleston was attacked at once by fire, inundation, and pestilence. "Discouragement and despair sat on every countenance; and many of the survivors thought of abandoning the country." Holmes.

caused it to be recorded in their charters, that they were moved to embrace this great design by zeal for the diffusion of the Christian faith, and especially for its propagation among the Indian tribes of America. Yet a general provision in favor of toleration, which they permitted Locke to insert as an article of the Fundamental Constitutions, and which they fraudfully or insolently nullified by another article adjoined to the same instrument by themselves, constituted the whole amount of their ecclesiastical operations during the first forty years of the proprietary government. They never made the slightest attempt to execute their pretended purpose of communicating instruction to the Indians; and this important field of Christian labor was quite unoccupied till the beginning of the eighteenth century, when a few missionaries were sent to Carolina by the society incorporated in England for the propagation of the gospel in foreign countries. No cognizable fruits or vestiges of the labors of these missionaries have ever been mentioned. Prior to this enterprise, the only European instructions that the Indians received, under the auspices of the proprietary government, were communicated by a French dancing-master, who settled in Craven county, and acquired a large estate by teaching the savages to dance and play on the flute.<sup>1</sup>

At the close of the seventeenth century, there were only three edifices for divine worship erected within the southern province; pertaining respectively to an Episcopal, a Presbyterian, and a Quaker congregation; and all of them situated within the walls of Charleston. In no other quarter of the province were there either temples of public worship or schools for education. The first attempts that were made to supply these defects proceeded not from the proprietaries, but from Tennison, Archbishop of Canterbury, Compton, Bishop of London, Thomas Bray, an active minister of the church of England, and the society established in England for the propagation of the gospel; but as, in most of these attempts, the paramount object was plainly to multiply adherents to the established church of the parent state, they were the less

<sup>1</sup> Hewit. Oldmixon.



successful among a people, of whom many had personally experienced the persecution of this church, and more entertained a hereditary dislike to it. In the year 1707, the society for propagation of the gospel maintained six Episcopal ministers in South Carolina, and had sent two thousand volumes of books to be distributed gratuitously among the people. In the northern province, which was thinly peopled by colonists professing a great diversity of religious opinions, no visible institution of divine government was yet established, no religious worship recognized the providence of the Deity or besought his grace, and human life commenced and concluded without any solemnity expressive of its celestial origin and immortal renovation. An act was passed by the assembly of this province, in the year 1702, imposing an assessment of thirty pounds *per annum* on every *precinct*, for the maintenance of a minister ; and in 1705 and 1706, the first two religious edifices of North Carolina were erected. In the year 1715, the province was divided by an act of its domestic legislature into nine parishes ; in each of which a parochial vestry was established, and a ministerial stipend provided. This northern province had for many years received from the proprietaries the appellation of *the county of Albemarle in Carolina*, and was sometimes, but not always, included in the commission of the governor of the southern settlement. It now came to be termed North Carolina ; and at the dissolution of the proprietary government, was made a separate province with a distinct jurisdiction.<sup>1</sup>

After having for a long period disregarded entirely the ecclesiastical concerns of Carolina, the proprietaries, in the beginning of the eighteenth century, turned their attention to this subject with a spirit that caused the cessation of their previous indifference to be greatly lamented ; and made a first and last attempt to signalize their boasted zeal for Christianity, by the demonstration of a temper and the adoption of measures the most insolent, unchristian, and tyrannical. The office of palatine had now devolved on Lord Granville, who entertained the utmost aversion and contempt for Dissenters of all descriptions, and who had already signalized his bigotry to the church of

<sup>1</sup> Oldmixon. Hewit. Williamson. Holmes.

England by the vehement zeal with which he supported in parliament the bill against *occasional conformity*.<sup>1</sup> His accession to the dignity of palatine presented him with an opportunity of indulging his favorite sentiments in the regulation of the ecclesiastical polity of Carolina. Contemning the remonstrances and overruling the opposition of Archdale, he eagerly laid hold of so fair an occasion of exerting his bigotry ; and in Moore and Johnson, on whom he successively bestowed the government of the province, he found able and willing instruments of the execution of his arbitrary designs. These men, notwithstanding the great numerical superiority of the Dissenters, by a series of illegal and violent proceedings, acquired for themselves and a party of the Episcopalian persuasion a complete ascendancy over the provincial assemblies, which they exercised in the formation of laws for the advancement of the church of England, and the depression of every other model of Christianity. After various preparatory measures, which, under the impudent pretence of promoting the glory of God, effectually banished every trace of peace and good-will from a numerous society of his rational creatures, the Episcopal faction at length, in the year 1704, enacted two laws, by one of which Dissenters were deprived of all civil rights, and by the other an arbitrary *court of high commission* (a name of evil import to Englishmen) was erected for the trial of ecclesiastical causes and the preservation of religious uniformity in Carolina. At the time when these laws were framed, not only the most wealthy and respectable inhabitants, but at least two thirds of the whole population of the province, were Dissenters.

The English Society for the Propagation of the Gospel, on receiving intelligence of the latter of those ordinances, declared their resolution to send no more missionaries to Carolina till it should be repealed. Both the edicts, however, having been ratified by the proprietaries, and the complaints of the Dissenters treated with derision, these oppressed and insulted men were advised by the merchants of London, who traded to the province, to seek redress of their grievances from the supreme

<sup>1</sup> This was a bill imposing severe penalties on any person, who, having conformed so far to the church of England as to entitle him to hold a municipal office, should ever after attend a dissenting place of worship.

power of the realm. A petition for this purpose was accordingly presented to the House of Lords, who were struck with surprise and indignation at the tyrannical insolence of those despotic proprietaries and their provincial officers; and forthwith voted an address to Queen Anne, praying her royal repeal of the obnoxious laws, and recommending that the authors of them should be brought to condign punishment. The Commissioners of Trade, to whom the matter was referred by the queen, reported, "that the making such laws was an abuse of the powers granted by the charter, and inferred a forfeiture of the same"; subjoining their advice that judicial steps should be adopted for having the forfeiture legally ascertained, and the government of the province resumed by the crown.<sup>1</sup> The queen, thereupon, issued an order, declaring the laws complained of null and void, and promised to institute a process of *quo warranto* against the provincial charter; but this promise was never fulfilled.<sup>2</sup> It was alleged that the forfeiture of the charter was obstructed by legal difficulties arising from the nonage of some of the proprietaries, who could not justly be held responsible for the acts of the rest;—as if the inability of these hereditary rulers of mankind to afford protection to their subjects had not itself furnished the strongest reason why they should be dispossessed of the power of exacting obedience from them. While incessant attempts were made by the British government to bereave the New England States of the charters by which popular liberty was guarded, this fair and legitimate occasion was neglected, of emancipating the people of Carolina from a patent which had confessedly been made subservient to the most odious oppression and intolerance; and even after the proprietaries had publicly declared (as they were soon after constrained to do) that it was not in their power to defend the province against the Indians, by whose attacks it was menaced, the proprietary government was suffered to endure until it sunk under its own weakness and incapacity. It

<sup>1</sup> This report, among other signatures, has that of Prior, the poet, who was one of the Commissioners of Trade at the time.

<sup>2</sup> Oldmixon. Hewit. Preparatory to their address to the queen, the House of Lords passed a resolution containing these remarkable expressions:—that the law for enforcing conformity to the church of England in Carolina "is an encouragement to atheism and irreligion, destructive to trade, and tends to the ruin and depopulation of the province."



was in the year 1706, that the intolerant policy of Lord Granville received this signal check ; and from that period, the Dissenters were permitted to enjoy, not indeed the equality which they had originally been encouraged to expect, but a simple toleration. In the following year, an act of assembly was passed in South Carolina for the establishment of religious worship according to the forms of the church of England. By this act the province was divided into ten parishes ; and provision was made for building a church in each parish, and for the endowment of its minister. The churches were soon after built, and supplied with ministers by the English Society for the Propagation of the Gospel.<sup>1</sup>

The progress of population, if not the most certain, is one of the most interesting tests of the prosperity of a commonwealth ; but it is a test not easily applicable to societies subject, like all the American States, to a continual, but irregular, influx and efflux of people. The population of North Carolina appears to have sustained a considerable check from the troubles and confusions that attended Culpepper's insurrection and Sothel's tyranny ; insomuch that, in the year 1694, the list of taxable inhabitants was found to contain only seven hundred and eighty-seven names, — about half the number that the colony had possessed at the commencement of Miller's administration.<sup>2</sup> Frequent emigrations were made from the northern to the southern province ;<sup>3</sup> and we may conclude that the diminution of inhabitants, ascertained in 1694, was occasioned, partly at least, in this manner, — since, prior to the year 1708, only two persons (a Turk for murder, and an old woman for witchcraft) perished on the scaffold in North Carolina,<sup>4</sup> — a fact, which, considering the violent convulsions that the province had undergone, appears highly creditable to the humanity of the people. In the beginning of the eighteenth century, North Carolina received an accession to its inhabitants, first from a number of French refugees, who removed to it from Virginia ; and afterwards from a troop of Germans, who, many years before, were expelled from their homes by the desolation of the palatinate, and had since experienced a great va-

<sup>1</sup> Humphrey's *Historical Account of the Society for propagating the Gospel.*

<sup>2</sup> Williamson.

<sup>3</sup> Lawson's *History of Carolina.*

<sup>4</sup> Williamson.

riety of wretchedness and exile.<sup>1</sup> In the year 1710, its whole population amounted to six thousand persons ;<sup>2</sup> but of these not two thousand were taxables. There was no court-house in North Carolina before the year 1722 ; the assemblies and general courts till then being convened in private dwelling-houses. Debts and rents were generally paid in hides, tallow, furs, or other productions of the country. In the year 1705, it was appointed by law that marriages should be celebrated by the ministers of religion ; but magistrates were permitted to perform this function in parishes unprovided with ministers. The executive power within the province was feeble and inefficient ; partly in consequence of the state of dispersion in which the bulk of the inhabitants lived, and partly from the corrupt dispositions or despicable characters of many of the executive officers.<sup>3</sup> In the year 1709, Cary, the collector of the proprietary quitrents, resolving to appropriate, or at least refusing to account for, the produce of his collections, found it easy, with the aid of a few idle and dissolute partisans, to maintain himself in a state of resistance to the proprietary government, and suspend the operations of justice. The people, though they neither approved nor abetted his fraudulent and rebellious conduct, made no opposition to it ; and the governor, unable to reduce him to obedience, applied for assistance to Virginia, where some regular troops were quartered at the time. On the approach of a small party of these forces, Cary fled the colony, and his partisans dispersed.<sup>4</sup>

The population of South Carolina, in the year 1700, is said to have amounted to no more than five thousand five hundred persons,<sup>5</sup> — a computation probably short of the truth. For

<sup>1</sup> Williamson.

<sup>2</sup> Warden. In the year 1717, the taxables amounted to two thousand. Williamson.

<sup>3</sup> In 1701, Porter indicted a man for calling him " a cheating rogue." The defendant justified the words, and, proving that they were properly applied, was acquitted, and allowed his costs from the prosecutor. Yet a few years after, Porter was appointed a proprietary deputy and member of council. Williamson. In 1726, Burrington, who had previously held the office of governor, and afterwards held it again, was indicted for defamation, in saying of the existing governor, Sir Richard Everard, that " he was no more fit for a governor than Sancho Panza," and for riotously threatening to scalp " his d—d thick skull." *Ib.* Two years after, the grand jury *present Sir Richard, the governor*, for having with his cane twice or thrice struck George Allen. *Ib.*

<sup>4</sup> Williamson.

<sup>5</sup> Warden.

several years after the first colonization of the territory, there were very few negro slaves in Carolina ; but the demand for them was increased by the increasing cultivation of rice, which was reckoned too unhealthy and laborious for European constitutions ;<sup>1</sup> and the slave ships of Great Britain promoted the demand by the readiness with which they anticipated and supplied it. At the close of the seventeenth century, Charleston was already a flourishing city, containing several handsome edifices, a public library, and a population of three thousand souls.<sup>2</sup> No printing press was established in Carolina till thirty years after ; and till then the provincial laws were promulgated by oral proclamation.

There prevailed in this province, from the period when the Fundamental Constitutions were enacted, a method of empanelling juries, which might have been copied with advantage both by the other colonies and the parent state. The names of all persons qualified to serve as jurymen were put into a ballot-box, from which a child drew out as many as were requisite to form four several juries ; and these having been put into a second ballot-box, another child drew forth the names that were to compose each respective petty jury. In the beginning of the eighteenth century, this valuable regulation was abolished by the palatine ; but the remonstrances of the people, aided by the zealous interposition of the agent at the court of London for the New England States, compelled him soon after to restore it.<sup>3</sup>

When the difficulties attending the establishment of the first settlers in Carolina were in some degree overcome, the fertility of the soil, the cheapness of food, and the agreeableness and general salubrity of the climate afforded a powerful encouragement to national increase. Families of ten and twelve children were frequently seen in the houses of the colonists at the close of the seventeenth century ;<sup>4</sup> and though some parts of both the provinces were for a time infected with severe epidemical diseases, and others still continue to be unfavorable to health at particular seasons, yet the statistical accounts and the registers of mortality sufficiently demonstrate that the cli-

<sup>1</sup> Hewit.<sup>2</sup> Oldmixon.<sup>3</sup> Oldmixon (2d edit.).<sup>4</sup> Oldmixon.



mate of the whole region is in the main conducive to the preservation as well as to the production of life. The salubrity of these, as well as of the other provinces of North America, has been greatly promoted by the progress of industry in opening the woods, draining the marshes, and confining the streams within definite channels. Yet the influence of cultivation has not been uniformly favorable to health in the Carolinas ; and much of the disease with which these regions are afflicted at certain seasons is ascribed to the periodical inundations which the culture of the rice lands requires.<sup>1</sup>

During the infant state of the colony, the proprietaries sold the land at twenty shillings for every hundred acres, and sixpence of quitrent. They raised the price in the year 1694 to thirty shillings ; and in 1711, to forty shillings for every hundred acres, and one shilling of quitrent.<sup>2</sup> Lawson, who travelled through Carolina in the year 1700, celebrates the courtesy and hospitality of the planters ; but represents an aversion to labor, and a negligent contentment with immediate gratification, as qualities very prevalent among them. Fruit, he says, was so plentiful that the hogs were fed with peaches.<sup>3</sup> The Carolinians have always been characterized by a strong predilection for the sports of the field. The disposition that was evinced, at an early period of the history of these provinces, to treat insolvent debtors with extreme indulgence, has continued ever since to be a prominent feature in their legislation, and has doubtless encouraged a loose and improvident readiness to contract debts.<sup>4</sup> The most serious evils with which the two provinces have been afflicted have arisen from the abuse of spirituous liquors, the neglect of education, and the subsistence of negro slavery. It was long before institutions for the education of youth were generally established in Carolina ; the benefits of knowledge were confined entirely to the

<sup>1</sup> Warden. Dr. Williamson has demonstrated that the *immediate* effects of the extirpation of wood in Carolina have always been unfriendly to health, from the exposure to the sun of a surface of fresh land covered with vegetable produce in a state of decay.

<sup>2</sup> Williamson.

<sup>3</sup> Lawson. Archdale speaks in nearly the same terms of the fertility of Carolina. Blome states that the province, in 1686, contained many wealthy persons who had repaired to it in a state of indigence.

<sup>4</sup> Warden.

children of wealthy planters, who were sent to the colleges of Europe or to the seminaries of the Northern States ; and the consequent ignorance of the great bulk of the people, together with the influence of a warm climate and the prevalent aversion to industry (increased by the pride which the possession of slaves inspires, and the discredit which slavery brings on labor), promoted an intemperate use of ardent spirits, which contributed additionally to deprave their sentiments, habits, and manners. It was an unfortunate supposition (whether well or ill founded) that was at one time entertained, that the water found in this part of America possessed deleterious qualities, which an infusion of rum was necessary to counteract. The various evils which we have enumerated (except those arising from negro slavery, which are more pernicious, perhaps, than all the rest) prevailed longest and most extensively in North Carolina. The improvement that after times have witnessed in all these respects has been considerable in both the provinces ; and the inhabitants of South Carolina, in particular, have long been distinguished for the cultivation of literature, the elegance of their manners, and their polite hospitality.<sup>1</sup>

In every community where slavery exists, the treatment experienced by the slaves depends very much on the proportion which they bear to the number of free men, and the consequent apprehensions which they are capable of inspiring.<sup>2</sup> No passion has a more insatiable appetite, or prompts to more unrelenting hatred and cruelty, than fear ; and no terror can be more selfish or more provocative of inhumanity than that which is inspired in men's bosoms by the danger of retaliation of the injustice which they have inflicted and are still continuing to inflict. In South Carolina, for a very considerable period, the number of slaves bore a greater proportion to that of the whole population than in any other of the North American colonies. The consequence of this state of things was, that the slaves of the South Carolina planters were treated with extreme se-

<sup>1</sup> Warden.

<sup>2</sup> Thucydides (Book VIII.) ascribes the peculiar cruelty with which slaves were treated by the Spartans and the Chians to the peculiarly large proportion, which, in these states, the number of the slaves bore to the total population of the commonwealth. In proportion to the increase of the number of slaves in North America has been the hatred awakened in the breasts of the white Americans against the whole negro race.

verity ; and conspiracies were repeatedly formed by them for a general massacre of their masters. Their discontent was inflamed by the intrigues, and rendered the more dangerous from the vicinity, of the Spaniards.<sup>1</sup> Neither in this nor any other country, of which the history has yet been written, have the Protestant clergy of the Episcopal persuasion distinguished themselves by exertions to mitigate the evils of slavery. Wherever a Protestant Episcopal church has been established by law, the only ministers of the gospel, whose precepts have asserted and whose example has recognized the entire participation of negroes in the rights of human nature, have been Methodists, Moravians, or Dissenters of some other denomination. More practical Christianity and more humane enterprise, in this respect, have been evinced by the state clergy in countries where the Catholic church has prevailed. The priests of this persuasion have generally constituted themselves the defenders and patrons of Indian savages and negro slaves.<sup>2</sup> Perhaps this has arisen in part from the strong peculiarities of moral and social position by which the Catholic priests are separated from the rest of mankind, and which may lessen in their estimation the differences of temporal condition by which the several classes of the laity are distinguished. The Catholic church, it must likewise be considered, exercises more temporal power than any Protestant church over its votaries ; and it has been very generally associated with despotic government, under which the rights enjoyed by individuals, whether in their slaves or in any other description of property, are more subjected to magisterial superintendence and control, than in states where the government is of a more popular description.

The early annals of Carolina have not transmitted to us any

<sup>1</sup> Wynne. Hewit. Warden.

<sup>2</sup> The church of Rome, it has been asserted, is the only established church in which negroes have ever obtained the rank of priesthood. Several Catholic bishops have been negroes ; and one negro, at least, has been canonized as a saint at Rome. See Gregoire's Treatise *De la Noblesse de la Peau*. One instance may, however, be cited of the ordination of a negro as a priest of the church of England, by Keppel, Bishop of Exeter, in 1765. *Annual Register for 1765*. It might move our surprise (if any inconsistency in an American slave-owner were justly surprising) to find Roman Catholics in America deny the entire rational capacity of men whom the supposed infallible church of Rome has consecrated as bishops and canonized as saints.



account of the manner in which the provincial assemblies were constituted, or of the extent of property to which political franchises were attached. All the executive officers were nominated by the proprietaries, who specified the amount of the official salaries in the warrants of appointment. So great was the difficulty of collecting money, or even agricultural produce, especially in the northern colony, that the proprietaries were frequently obliged to grant assignations of lands or quit-rents to their officers in order to secure the performance of their duties. Sir Nathaniel Johnson, who was appointed governor of Carolina in the year 1702, received a warrant for a salary of two hundred pounds a year. The other contemporary officers had salaries, of which the highest was sixty pounds and the lowest forty pounds a year. The governor's salary was doubled in the year 1717.<sup>1</sup>

Carolina, by its amazing fertility in animal and vegetable produce, was enabled, from an early period, to carry on a considerable trade with Jamaica, Barbadoes, and the Leeward Islands, which, at the close of the seventeenth century, are said to have depended in a great measure on that colony for the means of subsistence.<sup>2</sup> Its staple commodities were rice, tar, and, afterwards, indigo. Oldmixon, whose history was published in the year 1708, observes that the trade of the colony with England had recently gained a considerable increase; "for notwithstanding all the discouragements the people lie under," he adds, "seventeen ships came last year laden from Carolina with rice, skins, pitch, and tar, in the Virginia fleet, besides straggling ships."<sup>3</sup>

By an act of assembly, passed in the year 1715,<sup>4</sup> every

<sup>1</sup> Oldmixon. Hewit. Williamson.

<sup>2</sup> Archdale.

<sup>3</sup> Oldmixon. The materials of this statement seem to have been obtained from Archdale.

<sup>4</sup> *Laws of Carolina.*

I have not been able to learn either the precise date or any other particulars of the administration of Major Tynte, who, in the beginning of the eighteenth century, was for a short time governor of South Carolina. King, the English poet (who died in 1712), celebrated Tynte in some Latin stanzas, which he afterwards rendered into the following English version:—

"Tynte was the man who first from Britain's shore  
Palladian arts to Carolina bore;  
His tuneful harp attending Muses strung,  
And Phœbus' skill inspired the lays he sung.

planter of Carolina was required to purchase and inclose a burial-ground for all persons dying on his estate ; and, before interment of any corpse, to call in at least three or four of his neighbours to view it, for the purpose of insuring further inquiry in case of any suspicious appearance.

Strong towers and palaces their rise began,  
And listening stones to sacred fabrics ran ;  
Just laws were taught, and curious arts of peace,  
And trade's brisk current flowed with wealth's increase.  
On such foundations learned Athens rose ;  
So Dido's thong did Carthage first inclose ;  
So Rome was taught *old* empires to subdue,  
As Tynte creates and governs now the *new*."

BOOK V.

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## BOOK V.

### NEW YORK.

#### CHAPTER I.

Hudson's Voyage of Discovery.—First Settlement of the Dutch at Albany.—The Province granted by the States General to the West India Company of Holland.—The Dutch Colonists extend their Settlements into Connecticut.—Disputes with the New England Colonies.—Delaware first colonized by the Swedes.—War between the Dutch and Indians.—Farther Disputes with New England.—Designs of Charles the Second.—Alarm and Exertions of the Dutch Governor.—The Province granted by Charter to the Duke of York—invaded by an English Fleet—surrenders.—Wise Government of Colonel Nichols.—Holland cedes New York to England—recaptures it—finally cedes it again.—New Charter granted to the Duke of York.—Arbitrary Government of Andros.—Discontent of the Colonists.—The Duke consents to give New York a Free Constitution.

NEW YORK is distinguished from the other American commonwealths whose history we have already considered, both by the race of the European settlers who first resorted to it, and by the mode of its annexation to the dominion of Britain. In all the other provinces, the first colonists were Englishmen; and the several occupations of American territory, and corresponding extensions of the British empire, were the enterprises of English subjects, impelled by the spirit of commercial adventure, inflamed with religious zeal, or allured by ambitious expectation. The people of England derived, in all these instances, an increase of their commercial resources, and the crown an enlargement of its dominion, from the acts of private individuals, sanctioned no doubt by the approbation of public authority, but unaided by the treasure or troops of the nation. But the territory of New York was originally colonized, not from England, but from Holland; and the incorporation of it

with the rest of the British dominions was accomplished, not by settlement, but by conquest,—not by the enterprise of individuals, but by the forces of the state. It is a singularity still more worthy of remark, and illustrative of the slender influence of human views and purposes in the preadjustment and connection of events, that this military conquest proved the means of establishing a colony of Quakers in America; and the sword of Charles the Second, in conquering an appanage for his bigot brother, prepared a tranquil establishment, in New Jersey and Pennsylvania, for the votaries of peace, toleration, and philanthropy.

The pretensions of the Dutch to this territory were certainly, from the first, more consistent with natural justice than with the commonly received law of nations, and the privilege which this law attaches to priority of discovery. For if, on the one hand, the voyage of Cabot, and his general and cursory survey of the North American continent, preceded by more than a century the occurrence from which the Dutch occupation originated, there seems, on the other hand, a monstrous disregard of the general rights of mankind, in maintaining that a privilege, so precariously constituted, could subsist so long unexercised, and that a navigator, by casually approaching North America, in a vain and erroneous search of a passage to the Indies, should acquire for his countrymen a right to prevent the whole continent from being inhabited for more than a hundred years. It is the dictate of reason, that the title accruing from discovery may be waived by dereliction, and extinguished by the sounder right created by occupation.

The prior right of England (yet unrecognized by the rest of the world) had produced no other permanent occupation than a feeble settlement on the distant shore of James River, in Virginia, which had now subsisted for two years, when Henry Hudson, an Englishman, employed by the East India Company of Holland, set sail from the Texel for the discovery of a northwest passage to India. Having attempted in vain to accomplish the object of his voyage [March, 1609], he steered for Cape Cod, and entered the Bay of Chesapeake, where he remarked the infant settlement of the English. He afterwards anchored his vessel off the Delaware, and proceeding thence



to Long Island, sailed up the river Manhattan, on whose banks the chief fruits of his enterprise were destined to grow. Some authors have asserted that he sold his right as discoverer of this territory to the Dutch ; but the assertion is equally unproved and improbable ; as he could convey to the people in whose service he was engaged no right which the voyage itself did not vest in them by a much better title. Several voyages were afterwards made from Holland to the river Manhattan, which, at first, was called the North River, but, in process of time, received the name of the able and enterprising navigator, by whom, if not originally discovered, it was introduced for the first time to the acquaintance of the Dutch. This people now conceived that they had acquired a sufficient title to the adjacent territory, which they distinguished by the name of Nova Belgia, or New Netherlands.<sup>1</sup> The depending or recent conflicts of rival provinces, and even rival nations, lent at one time to all the circumstances attending the first occupation of this territory an interest which they have long ceased to possess, except in the estimation of antiquarians.

The favorable report that Hudson gave of the country having been confirmed by subsequent voyagers, an association of Dutch merchants embraced the resolution of establishing a trading settlement within its confines [1614] ; and the States General promoted the enterprise by granting to its projectors a monopoly of the trade of Hudson's River. Encouraged by this act of favor, the adventurers, in the course of the same year, appropriated a small portion of land on the western bank of the river, near Albany, where they erected a fort, and intrusted the government of the place to one Henry Christiaens. This feeble settlement had scarcely been established, when it was invaded by a Virginian squadron, commanded by Captain Argal, and returning from the unjust and useless conquest of the French possessions in the Bay of Fundy. Argal claimed the territory occupied by the Dutch, as appertaining by the law of nations to the British dominion in America ; and the provincial governor was compelled to obey a summons of surrender, and to stipulate allegiance to England, and tribute and

<sup>1</sup> Purchas. Charlevoix, *History of New France*. Oldmixon. Stith's *Virginia*. Douglass's *Summary*. Smith's *History of New York*.

subordination to the government of Virginia.<sup>1</sup> The States of Holland had too recently established an independence, promoted by the aid and recognized by the mediation of Great Britain, to suffer them to make this outrage the cause of quarrel with a powerful ally, whose friendship they did not yet deem themselves strong enough to dispense with. They forbore, therefore, to take any notice of Argal's hostile encroachment; and it is even asserted by some writers, that, in answer to a complaint by the British court of their intrusion into America, they denied that the settlement was established by their authority, and represented it as the private enterprise of a few obscure individuals. The same writers have alleged, that the Dutch, while they disavowed every pretension that could infringe on the claims of England, besought the English monarch to permit a few trading-houses to be erected within *his* territories on Hudson's River; and that a permission to this extent was actually obtained. Whatever truth or falsehood there may be in these statements, it is certain, that, in the year after Argal's invasion [1615], a new governor, Jacob Elkin, having arrived at the fort with an additional complement of settlers, the claim of the English to the stipulated dependence was forthwith defied, and the payment of tribute successfully resisted. For the better security of their resumed independence of English domination, the Dutch colonists now erected a second fort on the southwest point of Long Island; and afterwards built two others at Good Hope, on Connecticut River, and at Nassau, on the east side of Delaware Bay. They continued for a series of years, in unmolested tranquillity, to mature their settlement, increase their numbers, and, by the exercise of their peculiar national virtues of patience and industry, to subdue the first difficulties and hardships incident to an infant colony.<sup>2</sup>

The States of Holland, finding their commerce enlarge with the duration of political freedom and the enjoyment of peace, and observing that their people were successful in preserving

<sup>1</sup> See Book I., Chap. II., *ante*.

<sup>2</sup> Oldmixon. Stith. Wynne. Smith. In the year 1624, the exports from New Netherlands were "four thousand beavers' and seven hundred otters' skins, estimated at 27,150 guilders." Hazard.

the footing they had gained on Hudson's River, began to entertain the design of improving this settlement, and rendering it the basis of more extended colonization in America. With this purpose was combined the scheme of their celebrated West India Company, which was established in the year 1620, and to which, in pursuance of their favorite policy of colonizing by means of exclusive companies, it was determined to commit the administration of New Netherlands. They watched with a jealous eye the proceedings of the English Puritan exiles at Leyden,<sup>1</sup> and viewed with alarm their projected migration to the banks of Hudson's River. Unable or unwilling to obstruct the design by an opposition which would have involved an immediate collision with the pretensions of Britain, they defeated it by bribing the Dutch captain, with whom the emigrants sailed,<sup>2</sup> to convey them so far to the northward, that their plantation was eventually formed in the territory of Massachusetts. This fraudulent proceeding of the Dutch, though it prevented a rival settlement from being established on Hudson's River, discredited their own title to this territory, and proportionally ratified the claim of Great Britain, which, in the same year, was again distinctly asserted and exercised by the publication of King James's patent in favor of the Grand Council of Plymouth. The Plymouth patent, however, which was declared void in the following year [November, 1621] by the English House of Commons, and surrendered a few years after by the patentees, seemed as little entitled to respect abroad as to favor at home; for, even if its disregard of the Dutch occupation should not be supposed to infringe the law of nations, it unquestionably merited this reproach by appropriating territories where the French, in virtue of previous charters from their sovereign, had already established the settlements of Acadia and Canada. The nullity of the Plymouth patent, in this last particular, was tacitly acknowledged by Charles the First in 1630, when, by the treaty of St. Germain, he restored the French provinces which his arms had conquered in the preceding year. Whether the States of Holland considered the patent equally unavailing against their

<sup>1</sup> See Book II., Chap. I., *ante*.

<sup>2</sup> Mather. Neal. Hutchinson. Oldmixon.



pretensions, or not, they made a grant of the country, which was now called New Netherlands, to their West India Company, in the very year in which the English House of Commons protested against a similar patent of the same territory by their own monarch [1621], as inconsistent with the general rights of their countrymen and the true interests of trade. If the States General, or their subjects on the banks of Hudson's River, were acquainted with this parliamentary transaction, they made more account of the benefit that might accrue from it to their territorial claim, than of the rebuke it conveyed to their commercial policy. Under the management of the West India Company, the new settlement was soon both consolidated and extended. The city of New Amsterdam, afterwards called New York, was built on York Island, then known by the name of Manhattan; and, at the distance of a hundred and fifty miles higher up the Hudson, were laid the foundations of the city of Albany.<sup>1</sup>

The precise extent of territory claimed by the Dutch, as comprehended within their colony of New Netherlands, has been differently represented even by their own writers, of whom some have explicitly declared that it embraced all the country lying between Virginia and Canada. Whatever was its titular extent, which was probably unknown to the planters themselves, they hastened to enlarge their appropriation far beyond their immediate use; and, by intrusion into the Connecticut and Delaware territories, laid the foundation of their subsequent disputes with the colonists of New England. While these powerful neighbours as yet possessed no other establishment but the small settlement of Plymouth, to which the artifice of the Dutch had consigned the English emigrants from Leyden, the provincial authorities at New Amsterdam attempted to cultivate a friendly, or at least a commercial, correspondence with the English colony; and for this purpose despatched their secretary, Rasier, with a congratulatory communication to the governor of Plymouth. [1627.] The English, from whose memory the fraud that deprived them of a settlement on the river Hudson had not banished the recollection of Dutch hos-

<sup>1</sup> Oldmixon. Smith. Chalmers.

pitality at Leyden, received with much courtesy the felicitations of their successful rivals on the courageous struggle they had maintained with the difficulties of their situation;<sup>1</sup> and as some years had yet to elapse before Massachusetts became populous, and before the English establishments in Connecticut were formed, the Dutch colonists were enabled to flatter themselves with the hope that their stratagem would not be resented, nor their settlement disturbed. They were aware of the reluctance of their government to exhibit publicly a title derogatory to the pretensions of Britain, and endeavoured to counteract the restraint which this policy might impose on their future acquisitions by the stretch of their immediate occupation. Their first settlement was effected, apparently, without any equitable remuneration to the Indian proprietors of the land; and hence, perhaps, arose those dissensions with the Indians which afterwards produced a great deal of bloodshed. But when they extended their appropriations to Connecticut and Delaware, they were careful to facilitate their admission by purchasing the territory from its savage owners.<sup>2</sup> If their policy really was (as we may reasonably suppose, though we cannot positively affirm) to supply a defective, or at least non-apparent title, by largeness and priority of appropriation, it was completely disappointed by the result; and when New England and Maryland began to be filled with inhabitants, the Dutch had the mortification of discovering that the early and immoderate extent of their occupation only served to bring their claims the sooner into collision with the pretensions of neighbours more powerful than they; and to direct a severer scrutiny into a title which they were unable to produce, which their detected stratagem had contributed to discredit, and which the length of their possession was yet unable to supply. These disagreeable results were not experienced till after the lapse of several years of uninterrupted peace; and during the administration of Wouter Van Twiller [1629], who arrived at Fort Amsterdam as the first governor appointed by the West India Company, the Dutch colonists enjoyed a state of calm

<sup>1</sup> Smith. Neal's *New England. Collections of the Massachusetts Historical Society.*

<sup>2</sup> Smith.

and monotonous ease, undisturbed by the commercial delirium that prevailed for several years in their parent state, and dissipated so many fortunes in the ruinous and ridiculous speculations of the *tulip trade*. This period affords no materials for history, and it served but indifferently to prepare the colonists for their impending contentions with men whose frames and spirits had been braced by the discipline of those severe trials that befell the first planters of New England.<sup>1</sup>

It was near the close of Van Twiller's administration, that the English colonists extended their settlements beyond the boundaries of Massachusetts into the territory of Connecticut [1636]; an intrusion which the Dutch governor resented no farther than by causing his commissary, Van Curlet, to intimate a harmless protest against it. He was succeeded in the following year by William Kieft [1637], a man of enterprise and ability, but choleric and imperious in temper, unfortunate in conduct, and more fitted to encounter with spirit than to stem with prudence the sea of troubles that began on all sides to invade the possessions of the Dutch. These colonists now experienced a total change in the complexion of their fortune; and their history for many subsequent years is little else than a chronicle of their struggles and contentions with the English, the Swedes, and the Indians. Kieft's administration commenced [1638], as his predecessor's had concluded, with a protest against the advancing settlements of Connecticut and New Haven, accompanied by a prohibition of the trade which the English conducted in the neighbourhood of the fort of Good Hope. His reputation for ability, and the sharpness of his remonstrance, excited at first some alarm among the English inhabitants of Connecticut, who had originally made their advances into this territory in equal ignorance of the proximity and the pretensions of the Dutch; but soon suspecting that their imperious rival had no title to the country from which he proposed to exclude them, and encouraged by promises of assistance from the other New England States, they disregarded his remonstrance, and not only retained their settlements, but, two years after [1640], compelled the Dutch

<sup>1</sup> See Note III., at the end of the volume.



garrison to evacuate the fort at Good Hope, and appropriated the adjacent plantation to themselves. This aggression, though passively endured, was loudly lamented by the Dutch,<sup>1</sup> who, notwithstanding the increase of their numbers, and the spirit of their governor, displayed a helplessness in their contentions with the English, which, if partly occasioned by the enervating influence of a long space of tranquillity, seems also to have been promoted by secret distrust of the validity of their claim to the territories they had most recently occupied. It is certain, at least, that the Dutch were not always so forbearing; and an encroachment which their title enabled them more conscientiously to resist, was soon after repelled by Kieft, with a practical vigor and success very remote from the general strain of his conduct and fortune. Lord Stirling, who had obtained a grant of Long Island from the Plymouth Company, transferred a portion of it to certain of the inhabitants of New England, who removed to their new acquisition in the year 1639, and, unmolested by the Dutch, whose settlements were confined to the opposite quarter, these New Englanders peaceably inhabited the eastern part of the island. Receiving a considerable accession to their numbers, they ventured to take possession of the western quarter; but from this station they were promptly dislodged by Kieft, who drove them back to the other end of the island, where they built the town of Southampton [1642], and subsisted as a dependency of Connecticut, till they were united to the State of New York, on the fall of the Dutch dominion in North America.<sup>2</sup>

Kieft, in the same year, equipped two sloops, which he despatched on an expedition against a body of English, who,

<sup>1</sup> The Dutch preserved, for a series of years, a minute and formal record of the grievances which they laid to the charge of the English colonists. The insignificance of many of these complaints, and the homeliness of the subject-matter of others, contrast somewhat ludicrously with the pompousness of the titles and the bitter gravity of the style. This singular chronicle, forming the earliest and very undignified annals of New York, is preserved in Hazard's *Collections*.

<sup>2</sup> Oldmixon. Smith. Chalmers. Trumbull's *Connecticut*. The histories of these events, by Oldmixon, Smith, and Chalmers, are exceedingly confused, and in some points erroneous. Their chronology, in particular, is remarkably careless. Trumbull is always distinguished by the accuracy of his statements, but not less distinguished by his partiality. Here, for example, he relates with great fidelity all the offences of the Dutch, but passes over in total silence every charge of this people against the English.

advancing beyond the first settlements of their countrymen in Maryland, had penetrated into Delaware,—a territory which was claimed by the Dutch, but had, nevertheless, been included in the charter obtained by Lord Baltimore from Charles the First. As the number of these emigrants from Maryland was inconsiderable, and they were quite unprepared to defend their possession against this unexpected attack, they were easily dislodged by the forces of Kieft. But there still remained in another quarter of Delaware a different race of settlers, who, without any legal claim to the soil which they occupied, possessed a force that proved of more avail to them than the formal title of the English. This was a colony of Swedes, of whose transplantation to North America very few particulars have been recorded. Their migratory enterprise was suggested in the year 1626, when Gustavus Adolphus, king of Sweden, having received a flattering description of the country adjacent to the Dutch settlement of New Netherlands, issued a proclamation exhorting his subjects to associate for the establishment of an American colony. In conformity with the royal counsel, a large sum of money was collected by voluntary contribution; and a number of Swedes and Fins emigrated, in the year 1627, to America. They first landed at Cape Henlopen, at the entrance of Delaware Bay, and were so much charmed with its aspect that they gave it the name of Paradise Point. Some time after, they purchased from the native inhabitants all the land between that cape and the Falls of Delaware; and maintaining little intercourse with the parent state from which they were dissevered, but addicting themselves exclusively to agricultural pursuits, they possessed their colonial acquisition without challenge or interruption, till Kieft assumed the government of New Netherlands.<sup>1</sup> [1642.] Several of the Swedish colonists were scalped and killed, and in

<sup>1</sup> The Swedish government appears to have made some attempt to obtain a recognition of its right to the territory. An application to this effect was addressed by Oxenstiern, the Swedish ambassador, to the court of England; but though the Swedes alleged that the application was successful, and the legitimacy of their occupation admitted, no proof of this averment was ever produced. Not less improbable was a pretence they seem to have urged, of having purchased the claim of the Dutch. Samuel Smith's *History of New Jersey*. This is a work of extreme rarity, and has been confounded by some writers with Smith's *History of New York*. It contains much curious matter; but, as a composition, is tasteless, confused, and uninteresting.

some instances their children were stolen from them, by the Indians. Yet commonly the two races lived on friendly terms together, and no general war ever arose between them. The Indians sometimes attended the religious assemblies of the Swedes ; but with so little edification, that they expressed their amazement at the ill-breeding of the orator who could exercise the auditory patience of his tribe with such lengthened harangues without repaying their civility by a distribution of brandy. One of the earliest of Kieft's political measures was the intimation of a formal protest against the intrusion of the Swedes, to whom he earnestly recommended the propriety of their instant departure from a territory which he assured them that his countrymen had purchased with their blood. But as the Dutch discovered no inclination to purchase it over again at the same expense, the Swedes, unawed by this governor's power, paid no regard to his remonstrances. A war, as it has been called, subsisted between the two communities for several years ; but, though attended with a cordial reciprocation of rancor and much flourish of verbal valor, it was unproductive of bloodshed. Longing to destroy, but afraid to attack each other, they cherished their quarrel with an inveterate malice which might have been dissipated by a prompt appeal to the decision of more manly hostilities. It seemed to be the object of both parties rather to forewarn their enemy of danger by menace, than to overcome him by active force. At the treaty of Stockholm, in 1640, Sweden and Holland forbore to make any allusion to colonial disputes or American territory ;<sup>1</sup> and the two colonies being left to adjust their pretensions between themselves, their animosities subsided into an unfriendly peace.<sup>2</sup> Even this faint color of good neighbourhood did not subsist for many years.

<sup>1</sup> Smith. Holmes. Professor Kalm's *Travels in North America*. Douglass. Chalmers. Chalmers unfortunately seems to relax his usual attention to accuracy, when he considers his topics insignificant ; and from this defect, as well as the peculiarities of his style, it is sometimes difficult to discover his meaning, or reconcile his apparent inconsistency in different passages. Douglass's *Summary*, which is replete with prejudice and partiality when it treats of the New England States, is very frequently inaccurate when it travels beyond them.

<sup>2</sup> Trumbull represents the Dutch and Swedish governors, in 1642, as "uniting in a crafty design" to exclude an inhabitant of New Haven from trading at Delaware.



Meanwhile numberless causes of dispute were continually arising between New Netherlands and the colonies of Connecticut and New Haven ; and the English, who had formerly been the objects of complaint, now became the complainers. They charged the Dutch with disturbing, kidnapping, and plundering the English traders ; with enticing servants to rob and desert their masters ; and with selling arms and ammunition to the Indians. The unfriendly relations that subsisted between the Dutch themselves and the Indians would render this last charge against them extremely improbable, if it were not notorious that their countrymen in Europe have, on various occasions, manufactured and sold to their enemies the cannon-balls which they perfectly well knew were to be fired back into their own towns. To all those complaints the English could obtain no other answer from Kieft but haughty reproaches and angry re-creminations ; and it was partly from apprehension of his designs, though chiefly, no doubt, for their own security against Indian hostility, that the New England colonies were induced to form the scheme of the federal union, which they carried into effect in the year 1643.<sup>1</sup> That the complaints of the English against Kieft were by no means unfounded may be inferred from the fact, that the succeeding governor of New Netherlands, though warmly attached to the cause of his countrymen, declined to make any answer to those charges, and desired that he might not be held responsible for them. And yet, notwithstanding their mutual disagreements, the Dutch and English colonists never suffered themselves to neglect entirely either the forms of courtesy or the more substantial offices of humanity. Kieft, perhaps with more politeness than sincerity, congratulated the United Colonies on the league they had formed ; and when, in the course of the same year, he applied to New Haven for assistance against the Indians, with whom he was engaged in a bloody and dangerous war, the government of that colony, though precluded by the federal union, as well as by doubts of the justice of the Dutch cause, from embarking separately in hostilities, tendered the amplest contribution they could afford of provisions for men

<sup>1</sup> See Book II., Chap. III., *ante*.

and cattle to supply the scarcity created by the Indian devastations. So unwarlike were the Dutch colonists in general, that they found it necessary to hire the services of Captain Underhill, who had been banished from Boston as one of the associates of Mrs. Hutchinson,<sup>1</sup> and who, at the head of a mixed troop of English and Dutch followers, opposed the Indians with a skill and bravery that proved fatal to great numbers of them, both in Long Island and on the main land, and was regarded as the deliverer of New Netherlands from entire destruction. Notwithstanding the need he had thus experienced of English assistance, and the benefit he derived from it, Kieft persisted, during the rest of his life, in exchanging with the colonies of Connecticut and New Haven, not only the sharpest remonstrances and vituperations, but menaces of vengeance and war, which, happily for himself, he had as little ability as they had inclination to execute. He continued all this time to be involved in hostilities with the Indians, between whom and the Dutch there was fought [1646], towards the conclusion of his administration, a great and general battle on Strickland's Plain, where, after an obstinate conflict, and great slaughter on both sides, the Dutch with much difficulty kept the field, while the Indians withdrew unpursued.<sup>2</sup>

Kieft was succeeded, in the following year [1647], by the last of the Dutch governors of New Netherlands. This was Peter Stuyvesant, a brave old officer, and one of those magnanimous spirits by which the republican service of Holland was in that age remarkably adorned. By his justice, prudence, and vigor, he succeeded in restoring peace with the Indians, and preserving it uninterrupted during the whole of his administration. His arrival was honored by an address of congratulation from the commissioners of the United Colonies of

<sup>1</sup> See Book II., Chap. II., *ante*.

<sup>2</sup> Trumbull. Belknap. Yet the greater number of the writers of American history (copying each other's statements without examination) have asserted that the Dutch were never once involved in a quarrel with the Indians. One old writer, indeed, whose work is very scarce, has stated that the Dutch were continually harassed and endangered by the Indians. *Brief Description of New York, formerly called New Netherlands*, by Daniel Denton. In Samuel Smith's *History of New Jersey*, reference is made to some bloody contests between the Dutch and Indians.

New England, accompanied with an earnest entreaty for reparation of the injuries they had sustained from his predecessor. One of the most serious of these injuries was the frequent seizure and confiscation of English trading-vessels on the pretence of infraction of the custom-house regulations of New Netherlands, which the Dutch, with insolent injustice, refused to promulgate, and yet rigidly enforced. Stuyvesant, though he declined to justify some of the acts of his predecessor, returned, as might have been expected, a counter claim of redress for the wrongs of New Netherlands, and in particular demanded a restoration of the territories of Connecticut and New Haven. This was a hopeless demand ; and Stuyvesant, soon perceiving that the state of his title and of his force would barely suffice to prevent farther invasion of the Dutch pretensions, was too prudent to insist on it. After various negotiations, a treaty was at length concluded [1650] between the commissioners of the United English Colonies and the governor of New Netherlands, by which the settlements of the respective nations in Long Island were mutually secured to them, and a boundary ascertained between the Dutch settlements and the Connecticut and New Haven occupations on the main land. This treaty was not productive of the good consequences that were expected from it. The English had enacted a law prohibiting the Dutch from trading within their territories, — a restriction that was highly resented by the Dutch ; and the disputes that arose concerning the execution of this law, together with the competition of the two nations to engross the profits of the Indian trade, engendered a degree of mutual jealousy and ill-humor that caused them to regard each other's proceedings and policy through a very unfavorable medium. The treaty seems not to have embraced any arrangement with regard to the Delaware territory, and Stuyvesant was determined to preserve entire all that yet remained uninvaded of his country's pretensions in this quarter. In support of these pretensions, he was soon constrained to make such efforts to resist a trading settlement which the colony of New Haven attempted to establish on the borders of Delaware, as completely effaced every semblance of good understanding between the Dutch and the English provincial governments. The breach



between them was widened by a panic excited in the settlements of Connecticut and New Haven [1651], where a number of Indians volunteered a confession of a projected massacre of the English, to which they affirmed that they had been instigated by the governor of New Netherlands. [1652.] The only evidence in support of their story that they could produce was the ammunition which the Dutch had been always in the practice of selling to them, and which the English now the more readily believed to have been furnished for their destruction, as the Indians had frequently employed it for this purpose. Notwithstanding the confident assertions of a respectable historian of Connecticut, this confession manifestly appears to have derived the credit it received chiefly from the fears and prepossessions of the English, who suffered themselves to be made the dupes of perfidious savages, whose enmity was gratified by the dissensions of their powerful neighbours. What may be thought, indeed, to place this beyond a doubt is, that no future confirmation of the charge was ever obtained, even after the fall of the Dutch dominion had placed every facility for the procurement of evidence in the hands of their enemies. The governments of Connecticut, New Haven, and Plymouth, however, blinded by rage and fear, gave implicit faith to a statement discredited no less by the habitual fraud and treachery of the Indians, than by the manly and honorable character of Stuyvesant. To his indignant denial of the charge, they answered by reminding him of the massacre of their countrymen by the Dutch in Amboyna, about thirty years before; and to his just exceptions to the value of Indian testimony, they replied that the Dutch governor of Amboyna had sought a pretext for his cruelty in the charges against the English which he extorted by torture from the Japanese. The absurdity of their reasoning demonstrates the intensity of passion by which they were transported; and the repeated introduction of the topic of Amboyna shows as clearly the strong though unconscious dominion of national prejudice and antipathy on their minds. To the government of Massachusetts the evidence of the conspiracy did not appear satisfactory [1653]; nor could all the instances of her confederates prevail with

this State to join with them in a war against the Dutch.<sup>1</sup> Judging their own forces alone inadequate to such an enterprise, the other colonies applied for assistance to Oliver Cromwell [1654], who was then engaged in the two years' war with Holland which the Long Parliament had begun, and who promptly complied with their request by despatching a squadron to undertake, in conjunction with the colonial troops, an invasion of New Netherlands. But the expedition was intercepted by intelligence of the peace negotiated between the Protector and the States General; and his squadron, having fortified the spirits of the English colonists by demonstrating to them and their adversary the readiness and determination of a powerful government to assist them, proceeded still farther to augment their security by the conquest of the French province of Acadia.<sup>2</sup> It is remarkable that the treaty of peace, which was executed at this time between England and Holland, contained no express allusion to the claims or possessions of either in North America; but as it was stipulated that war should cease and peace and friendship prevail between all the dominions and possessions of the two commonwealths in all parts of the world, and as the English expedition against New Netherlands was thereupon countermanded, the validity of the Dutch claim to this territory was manifestly implied and practically acknowledged.

It was in the Delaware territory that Stuyvesant exerted his most vigorous and successful efforts to defend the claims of his countrymen against the encroachments of the New England colonists and the Swedes. As the war between the Dutch and the Swedes during Kieft's administration had in some respects resembled a peace, so the peace that ensued bore no little resemblance to a war. To check the encroachments which the Swedish settlers were continually attempting, Stuyvesant erected a fort at a place then called New Amstel, and afterwards Newcastle. This proceeding gave umbrage to the

<sup>1</sup> *Ante*, Book II., Chap. III.

<sup>2</sup> Oldmixon. Chalmers. Trumbull. Smith. The whole voluminous correspondence that took place, both on this occasion and afterwards, between the governors of the Dutch and English colonies, is preserved in Hazard's *Collections*.

Swedes, who expressed their displeasure in a protest, which, with the usual fate of such instrumentality in these provincial controversies, was totally disregarded. About a year afterwards [1654], Risingh, the Swedish governor, repaired with an armed vessel to the Dutch fort, and, obtaining admission into it by a stratagem somewhat discreditable to his own honor, as well as to the vigilance of its defenders,<sup>1</sup> easily overpowered the garrison, and expelled them with violence, but without bloodshed, not only from their strong-hold, but from the confines of Delaware. During the short time that the fortress remained in his possession, it received the name of Christina, in compliment to the queen of Sweden. Stuyvesant was not of a disposition to submit tamely to such an outrage, or to content himself with a simple recapture of the fort. He determined to invade and subdue the whole Swedish colony. Destitute of a force sufficient for this enterprise, and fully occupied at the time with a controversy more dangerous to his government, as well as more interesting to his honor, he was constrained to apply for reinforcement to the West India Company. This corporation, however, was then laboring under great embarrassments; in so much that it was only by a friendly contribution of the city of Amsterdam, that its administrators were enabled to supply Stuyvesant with a small body of troops. Thus reinforced, he marched into Delaware [1655], where the Swedes had employed their leisure in erecting another fort, as if they intended to defend their pretensions to the last extremity. But their resolution in facing danger was not equal to their audacity in provoking it; and no sooner did they perceive that these military demonstrations failed to answer their true object of deterring the enemy from approaching, and that they were now attacked in earnest by a warrior whose hostilities were not confined to stratagems and protests, than they peaceably surrendered the forts, together with the whole of their settlements, to the forces of Stuyvesant.

<sup>1</sup> "Risingh, under the disguise of friendship, came before the works, fired two salutes and landed thirty men, who were entertained by the commandant as friends; but he had no sooner discovered the weakness of the garrison, than he made himself master of it, seizing also upon all the ammunition, houses, and other effects of the West Indian Company, and compelling several of the people to swear allegiance to Christina, queen of Sweden." Smith.



The conquest of Delaware was thus accomplished without bloodshed ;—a circumstance the more extraordinary, as it certainly did not arise from absence of the passions from which this fatal extremity might be expected to ensue ; for many of the Swedes regarded the Dutch with such sincerity of detestation, that they determined to return to Europe, and to abandon a country which they had styled a paradise, rather than to submit to a union with the colony of New Netherlands. To this humiliation, however, the rest were reduced, and the settlement for some years continued to be ruled in peace by a lieutenant-governor appointed by Stuyvesant.<sup>1</sup> Thus, unassisted by the parent state, fell the only colony that Sweden ever founded. The historian would have little pretension to humanity, who would deride a bloodless adjustment of national disputes. But in timorous hostilities, a new feature of opprobrium is added to the deplorable aspect of war. When we recollect that these Swedes either had been the subjects of the heroic Gustavus Adolphus, or were the immediate descendants of his subjects, and when we see them provoke a war by fraud and outrage, and then decline the conflict by tamely submitting to the object of their insult and hatred, it must be acknowledged that they have enlarged the catalogue of those nations whose spirit has degenerated in their colonial settlements. The Dutch themselves have been generally obnoxious to this reproach ; and their conduct in New Netherlands will never be cited as an exception to its application. All their colonies were the offspring of mere thirst for commercial gain ; no liberal institutions arose there to nourish generous sentiment or exercise manly virtue ; and the exclusive pursuit of the same objects which engaged them to extend their dominions engendered habits and tastes corruptive of the energy that was requisite to their defence and preservation. The valor of Stuyvesant<sup>2</sup>

<sup>1</sup> Chalmers. Smith. A visit to Delaware and New Jersey, about a hundred years after, drew from a learned Swede a sigh of patriotic regret for the indifference of his countrymen to the preservation of "the finest and best province in all North America." *Kalm's Travels*.

<sup>2</sup> This gallant veteran did not fail to attract a portion of that idle rumor and absurd exaggeration to which solitary superiority is exposed. To the English he was an object of continual marvel and apprehension. He had lost a leg in fighting for the independence of Holland ; and the English believed that his artificial limb was made of silver (Josselyn) ; and with still greater credulity, that he *restrained the Dutch colonists* from immediate hostilities with them, in

rebuked, without animating, the sluggish spirit of his fellow-colonists, whom his example could never teach either to repel injustice with spirit or to endure it with dignity. Yet Holland was now in the meridian of her fame ; and this was the age of Tromp and De Ruyter.

The attention which had been awakened in the mother country to the state of the colony of New Netherlands was sustained by the prosperous result of her recent interposition, and farther manifested itself in the following year [1656], by an ordinance which was enacted by the West India Company and the burgomasters of Amsterdam, and approved by the States General of Holland. It was decreed by this ordinance, that the colonists of New Netherlands should be ruled in future by a governor nominated by the municipal authorities of Amsterdam, and by burgomasters and a town council elected by the provincial people ; the council thereafter enjoying the power of filling up all vacancies in its own body.<sup>1</sup> This constitution differed very little from the actual frame of government already established in New Netherlands ; and the attention of the mother country beginning soon to relax, with the decline of the colony's prosperity, no farther attempt was made to accomplish the projected alteration. The West India Company transmitted about this time to Stuyvesant a ratification, which they had procured from the States General, of his treaty, in 1650, with the commissioners of the United English Colonies ; and the Dutch governor gave notice of this circumstance to the commissioners, in a letter replete with Christian benevolence and piety, and proposing to them that a friendly league and sincere good-will might thenceforward unite the colonies of England and Holland. But the English were averse to believe the sincerity of a man whom they had recently accused of plotting their destruction with the Indians ; and, beginning to regard the Dutch occupation as altogether lawless and intrusive, they were determined not to sanction it by any new recognition. The commissioners answered the

order to destroy them more cruelly by the hands of the Indians (Trumbull) ; so well did he cover the deficiency of his countrymen's military ardor. The fable of the silver leg is also related by Blome.

<sup>1</sup> *Collections of the New York Historical Society.*

governor's communication with austere civility ; recommending the continuance of peace, but declining either to ratify the former treaty or to execute a new one.<sup>1</sup> They had for some time past indulged the hope that the English government would unite with them in regarding the Dutch settlers in America as mere intruders, who could derive no claim of forbearance from the peace with Holland, and whom it would be no less just than expedient to expel or subdue. [1659.] Their friends in England succeeded in impressing these views upon Richard Cromwell, who, during his short enjoyment of the protectorate, addressed instructions to his commanders for an invasion of New Netherlands, and wrote letters to the provincial assemblies in America, desiring the coöperation of their forces in the enterprise.<sup>2</sup> But his speedy deposition spared him the actual guilt of attacking an unoffending people, whom his father had plainly regarded as comprehended in his treaty of peace with Holland.

Stuyvesant had already made attempts to improve his conquest of the Swedes by extending the Dutch settlements in Delaware [1660] ; and equitable as well as brave, he caused the lands which he appropriated to be fairly purchased from the Indians. But his success in this quarter was now drawing to a close. Fendal, the governor of Maryland, claimed the territory occupied by the Dutch and Swedes, as included within Lord Baltimore's patent ; and finding that Stuyvesant was determined to retain possession of the land and defend the supposed title of his country, he procured a remonstrance to be transmitted in the name of Lord Baltimore to the States General and the West India Company of Holland, who, with an inversion of their usual policy, publicly denied the pretensions of the English, but at the same time transmitted private orders to Stuyvesant to avoid hostilities, if they should seem likely to ensue, by retiring beyond Lord Baltimore's alleged frontier. This injunction was obeyed, though not to the extent of an entire evacuation of Delaware, when Charles Calvert a few years after assumed the government of Maryland.<sup>3</sup> Stuyvesant deplored the feeble policy of those whose mandates

<sup>1</sup> Trumbull.

<sup>2</sup> Thurloe's *Collection*.

<sup>3</sup> See *ante*, Book III.



it was his duty to obey ; and sensible of the total discredit to which the Dutch title would be exposed by thus practically avowing that its efficacy depended on the forbearance of the English, he earnestly solicited that a formal copy of the grant by the States General to the West India Company might be transmitted to New Netherlands, for the purpose of enabling him to assert, with proper form and dignity, the interests he was intrusted to defend. But his solicitations proved ineffectual. The States General were now more anxious than ever to avoid a rupture with England ; and the West India Company, either espousing their policy, or controlled by their orders, refused to exhibit a title which they feared that Stuyvesant might so employ as inevitably to provoke that extremity. Perhaps they expected that his prudence would be enforced by the consciousness of a defective title ; and such was at least the effect that their policy actually produced. Stuyvesant, willing by any honorable means to propitiate the English, and hoping to obtain a recognition of the title which he was unable to produce, sent an embassy to Sir William Berkeley, the governor of Virginia, to propose a treaty of mutual trade between this colony and New Netherlands, and an alliance against the Indian enemies of both. Berkeley received the ambassadors with much courtesy, and despatched Sir Henry Moody to New Netherlands, with the articles of a commercial treaty ; but he cautiously forbore every expression that might seem either to acknowledge, or even imply, assent to the territorial pretensions of the Dutch.<sup>1</sup>

The revolutionary rulers whose dominion in England was terminated by the Restoration had been regarded with continual uneasiness and apprehension by the inhabitants of New Netherlands. The Long Parliament had attacked their countrymen in Europe ; Cromwell had once been on the point of subduing their own colonial settlement in America ; and only the deposition of his successor again snatched them from a repetition of the same danger. Of the government of Charles the Second they were disposed to entertain more favorable hopes, which might, perhaps, derive some support from the

<sup>1</sup> Chalmers. Smith.

well known fact, that their especial rivals, the inhabitants of New England, were as much disliked by the king as they had been favorably regarded by the Protector. Accordingly, when the pursuers of Goffe and Whalley, baffled in their attempts to discover the retreat of these fugitive regicides in New England, besought Stuyvesant to deny them his protection in New Netherlands [1661], he readily seized the opportunity of ingratiating himself and his people with the English court, by undertaking to give instant notice of the arrival of any of the regicides within his jurisdiction, and to prohibit all vessels from transporting them beyond the reach of their pursuers.<sup>1</sup> But this policy, which, it must be acknowledged, was no honorable feature of his administration, proved quite unavailing; and every hope that the Dutch might have entertained, of an amelioration of their prospects, was speedily dissipated by intelligence of the designs entertained by the king of England. Charles, though he had received, during his exile, more friendship and civility from the Dutch than from any other foreign power, ever regarded this people with enmity and aversion; and he was the more disposed, at present, to embrace any measure that might humble the ruling party in Holland, by the interest he felt in a weaker faction, at the head of which was his nephew, the young Prince of Orange, whom he desired to see reinstated in the office of Stadtholder, which his ancestors had possessed;—an office which the ruling party had pledged themselves to Cromwell never again to bestow on the Orange family. These sentiments were promoted by the interest and urgency of the Duke of York [1663], who had placed himself at the head of a new African Company,<sup>2</sup> of which the expected commerce was circumscribed by the more successful

<sup>1</sup> Trumbull. It was notorious, at the time, that Goffe and Whalley were sheltered within the territory of New Haven, where the local authorities and the inhabitants, so far from assisting, had, with very little disguise, obstructed and defeated the attempts to apprehend them. This conduct of a people peculiarly distinguished by their enmity to the Dutch had probably some weight in inducing Stuyvesant to pledge himself to a line of conduct which would have compromised the honor and independence of his country.

<sup>2</sup> This company was formed with a view of extending and engrossing the *slave trade*. Under the patronage of the Duke of York, it treated every commercial rival with a violence and injustice worthy of the purpose of its institution. In return for the special favor it received from the English government, it lent its aid to harass the colonies by promoting a rigid execution of the Acts of Navigation. Oldmixon.

traffic of the Dutch. In imitation of the other courtiers, the duke, moreover, had cast his eyes on the American territory, which his brother was now distributing with a liberal hand; and, accordingly, in addition to the other means which he employed to produce a quarrel with the Dutch, he solicited a grant of their North American plantations, on the specious pretence that they were usurped from the territory properly belonging to Britain.<sup>1</sup> The influence of these motives on the mind of the king was doubtless aided by the desire to strike a blow that would lend weight to the arbitrary commission which he was preparing to despatch to New England, and teach the Puritan colonists there that it was in the power of their sovereign to punish and subdue his enemies in America.

The rumor of the king's intentions reached America before it was generally prevalent in Europe, owing to the vigilance and activity of the numerous friends of the English colonists, who collected and conveyed intelligence of the designs of the court. When the conjunction of the royal commission of inquiry with the expedition against New Netherlands was communicated to the inhabitants of New England, the first article of intelligence appeared to them much more unwelcome than the other was satisfactory. In Massachusetts, particularly, the language and measures of the *General Court* plainly indicated a strong apprehension that the military, no less than the civil, department of the expedition was intended against the liberties of the English colonists.<sup>2</sup> Stuyvesant, whose anxious eye explored the darkening horizon of his country's fortune, descried these symptoms of dissatisfaction in the New England settlements, and in the dimness of anguish and perplexity conceived from them the desperate and chimerical project of gaining the alliance, or at least securing the neutrality, of his ancient enemies. With this view he undertook a voyage to Massachusetts, where he was entertained by the governor and magistrates with much state and solemnity.<sup>3</sup> Former rivalship was forgotten in the season of common danger, or remembered only to enhance the respect with which

<sup>1</sup> Sir John Dalrymple's *Memoirs*. Hume's *England*. Chalmers.

<sup>2</sup> See *ante*, Book II., Chap. IV.

<sup>3</sup> Josselyn.



Endicott and Stuyvesant recognized, each in the other, an aged, brave, and honorable champion of his country's cause. Perhaps some traces of the effect of this conference may be discerned in the slowness with which Massachusetts obeyed the requisition of the royal commanders to raise a body of men in aid of the invasion of New Netherlands. But it was impossible that Stuyvesant's negotiation could succeed, or his proposals, even to the extent of neutrality, be admitted. Notwithstanding this disappointment, he repaired subsequently to Connecticut, where he was engaged in vainly attempting to bring a similar negotiation to a more successful issue, when the tidings of the approach of the British fleet recalled him to the immediate defence of his province.<sup>1</sup>

The British monarch, who was unable to assign a just cause of war with Holland, after trying in vain to provoke the resentment of the States General by insulting memorials and groundless complaints,<sup>2</sup> determined to embrace the pretext that had been suggested to him of his right to the province of New Netherlands; expecting, with good reason, that the assertion of this pretended right would supply the cause of quarrel which he was industriously seeking. In pursuance of this policy, a charter from the British crown was issued in favor of the Duke of York [March, 1664], containing a grant of the whole region extending from the western banks of the Connecticut to the eastern shore of the Delaware, together with the adjacency of Long Island; and conferring upon the duke all the powers of government, civil and military, within these ample boundaries. This grant disregarded alike the existing possession of the Dutch, and the recent charter of Connecticut, which, whether from ignorance, or from carelessness in the definition of boundaries, it tacitly but entirely superseded. No sooner did the Duke of York obtain the object of his solicitation, than, without waiting to gain actual possession of the soil, he ventured to exercise his proprietary powers in their fullest extent, by assigning to Lord Berkeley and Sir George Carteret all that portion of the territory which afterwards received the name of New Jersey. But, as it was manifest that the title of the duke

<sup>1</sup> Trumbull.

<sup>2</sup> Hume.

himself, equally with that of his assignees, would require to be supported by a military force, an armament was prepared for this purpose, with some attention to secrecy,—a precaution, which, if it proved ineffectual, was likewise unnecessary ; as the States of Holland reckoned it impossible that the British king would attack their possessions without the formality of a previous declaration of war, and were unwilling to provoke his injustice by seeming to expect it. So little, indeed, was the hostile expedition against New Netherlands credited in Europe, that, but a few months before it sailed, a vessel arrived at the colony from Holland, bringing an addition to its population and a large supply of implements of husbandry. Stuyvesant earnestly pressed upon the West India Company the alarming intelligence which he had received ; but the only defensive step to which they were moved by his urgency was, to send him now, when it was too late, the original grant from the States General, which, at the period when it might have availed him, he had solicited in vain.

The command of the English troops that were embarked for this expedition, and the government of the province against which it was directed, were intrusted to Colonel Nichols, who had studied the art of war under Marshal Turenne, and who, with Carr, Cartwright, and Maverick, also held a commission to visit the colonies of New England, and investigate and determine, according to their discretion, all disputes and controversies within the various provincial jurisdictions. After touching at Boston, where an armed force was ordered to be raised and sent to join the royal army, the fleet advanced to Hudson's River, and took its station before the capital of New Netherlands. The requisition of a subsidiary force from Boston was so tardily obeyed, that the enterprise was concluded before the Massachusetts troops were ready to march ; but [August, 1664], on the communication of a similar mandate to Connecticut, Governor Winthrop, with several of the principal inhabitants of this province, repaired immediately to the English armament, and joined the standard of their king.<sup>1</sup>

The veteran governor of New Netherlands, and the pupil of

<sup>1</sup> Smith. Chalmers. Trumbull.

Turenne, were, according to military notions, enemies worthy of each other; though doubtless not even military morality can regard Nichols as worthily employed in executing the lawless rapacity and insolent ambition of a tyrant on a peaceful, industrious, and blameless community. But the two commanders were very unequally supported. Stuyvesant had vigorously exerted himself to put the city in the best posture of defence; but he found it impracticable to awaken martial spirit in the unwarlike bosoms of its people. It must, indeed, be confessed, in favor of these unfortunate Dutchmen, that the superior artillery and disciplined forces of the enemy forbade every hope of successful resistance. Their inhabitation of the country had been too short to attach them to it by patriotic sentiments; and their sluggish dispositions and ignoble habits rendered them totally unsusceptible of the impressions which their governor derived from the prospect of a contest, where the harvest of glory seemed to him to be proportioned to the hopelessness of victory. They felt themselves unjustly attacked; and their resentment of this injury was so strong, that many of them were determined not to become the subjects of a tyrannical usurper: but it was not strong enough to overcome the rational conviction, that safety and independence were the only worthy objects of battle, and that, where independence could not be gained by fighting, safety should not be risked by it. To add unnecessary combat to unavoidable subjugation appeared to them a driftless and fool-hardy waste of life: and if they must surrender the image they had created of their native Holland in the wilderness, they would rather resign it entire to the pollution of hostile occupation than defaced and mutilated by the cannon of the enemy. They were willing to become exiles with their wives and children, or laborers for them; to encounter, in short, every evil that hope could alleviate or virtue subdue. But to expose their kindred, their city, and themselves to the certainty of capture by storm, and the extremity of military fury, seemed to them an inversion of all the dictates of prudence and virtue.

Widely different were the sentiments, the views, and even the determinations of Stuyvesant; and for several days his undaunted spirit upheld the honor and prolonged the dominion of



his country, notwithstanding the desertion of her unwarlike children, and the impending violence of a stronger foe. On the arrival of the English armament, he sent a deputation to its commander, consisting of one of the ministers of New Amsterdam, one of the city counsellors, and two other inhabitants, with a courteous letter, desiring to know the reason and purpose of this hostile demonstration. Nichols answered, with equal politeness, that he was commanded by his royal master to take possession of the British territory which had been usurped by the Dutch, whom, though nearly allied to him, the king could not, consistently with his honor, allow to invade and occupy the dominions of his crown: that he must therefore now demand the instant surrender of the place; that the king, being tender of the effusion of Christian blood, had authorized him to offer security of life, liberty, and estate to all who would readily submit to this requisition; but that such as should oppose his Majesty's gracious intentions must prepare to abide the severest extremities of war. Governor Winthrop, who was connected by acquaintance and mutual esteem with Stuyvesant and the principal citizens of the Dutch colony, seconded the communication of Nichols by a letter, in which he strongly urged the prudence of doing soon what must unavoidably be done at last. Stuyvesant, on receiving the summons of the English commander, was sensible of no other consideration than the insolent injustice with which his country was treated; and still earnestly hoping that her honor would be preserved unblemished, even though her dominion should be overthrown, he invited the burgomasters and council of the city to attend him, and vainly labored to instil a portion of his own spirit into the phlegmatic members of this municipal body. They coolly desired to see the letters he had received from the enemy; but, as he judged, with good reason, that the easy terms of surrender that were proffered would not contribute to animate their ardor or further his own martial designs, he declined to gratify them in this particular; and simply assured them that the English had declared their purpose of depriving Holland of her dominion, and themselves of their independence. Suspecting the truth, they became more importunate in their first request; whereupon the governor, in a transport of indignation, tore the letters in pieces,

and scattered them on the ground ; while the burghers, in amazement and dismay, protested against his conduct, and all the consequences that might attend it.

But Stuyvesant's courage needed not the aid of sympathetic bravery ; and more incensed to see his country's honor disregarded than appalled to find himself its only defender, he determined to try the effect of an appeal to the justice and generosity of a gallant enemy ; and to express in his reply to the summons of the English commander, not what he painfully saw, but what he magnanimously wished, to be the sentiments of his fellow-citizens. He exhibited to a deputation sent to him by Nichols the original grant of the States General and his own commission from the West India Company ; and in a firm and manly letter maintained that a province thus formally incorporated with the Dutch dominion could not, consistently with the law of nations, be attacked while peace subsisted between England and the republic. He represented the long possession of the territory which his countrymen had enjoyed, and the ratification which the Dutch claim received from his treaty with the English provincial authorities in the year 1650 ; and he protested that it was impossible that the king of England could have despatched this hostile armament, in the knowledge of these facts, or would hesitate to countermand it, if they were submitted to his consideration. To spare the effusion of blood, he proposed a treaty for a provisional arrangement, suspended on the issue of a reference to the two parent states ; and to the denunciations of military havoc, in the event of a refusal to surrender, he returned this calm and undaunted reply : — “ As touching the threats in your conclusion, we have nothing to answer, only that we fear nothing, but what God (who is as just as merciful) shall lay upon us ; all things being in his gracious disposal : and we may as well be preserved by him with small forces as by a great army ; which makes us to wish you all happiness and prosperity, and recommend you to his protection.” But this simulation of force and confidence was unavailing ; and Stuyvesant found it far more easy to refute the pretensions than to resist the arms of his opponent. Even after the English had begun to invest the place, and occupied a position which announced immediate attack and inevitable capture,

he still clung to the hope that his fellow-citizens would not surrender the rights of their country till they had defended them with valor and shed the blood of the invaders. But Nichols, who was informed how little the Dutch troops and colonists partook the martial ardor of their governor, caused a proclamation,<sup>1</sup> repeating his original offers, to be circulated through the country and introduced into the town; a measure which so completely disarmed the spirit of the besieged, and extinguished the authority of Stuyvesant, that this brave and somewhat headstrong old man, after one more fruitless attempt to obtain a provisional treaty, was at length obliged to capitulate for surrender, in order to prevent the people from giving up the place without the formality of capitulation. [August 27, 1664.]

By the treaty which ensued, it was provided that the Dutch garrison should march out with all the accustomed honors of war, and that the States General and West India Company should preserve their ammunition and public stores, and be allowed the space of six months for transporting them to Holland; that the inhabitants should have liberty either to sell their estates, and return to Holland, or to retain them and reside in the settlement; that all who chose to remain should enjoy their ancient customs with respect to inheritance of property, liberty of conscience in ecclesiastical matters, and perpetual exemption from military service. All Dutchmen, either continuing in the province, or afterwards resorting to it, were to be allowed a free trade with Holland; a privilege, which, as it was quite inconsistent with the Navigation Act, neither Nichols nor even the king could legally confer, and which accordingly was withdrawn very soon after. As a concession to the inflexible obstinacy of the old governor, it was most superfluously provided, that, if at any time thereafter the king of England and the States General should unite in desiring that the province be redelivered to its former owners,<sup>2</sup> their commands should be

<sup>1</sup> The proclamation announced, that all who would "submit to this his Majesty's government, as his good subjects, shall be protected in his Majesty's laws and justice, and peaceably enjoy whatsoever God's blessing and their own honest industry have furnished them with." Smith. To the Swedish settlers in Delaware it was specially represented that it would be an honorable change for them to return from a republican to a monarchical government. S. Smith's *New Jersey*.

<sup>2</sup> According to Hume, it would appear that this improbable condition did



promptly obeyed. These, and various other articles, of additional advantage to the Dutch, forming perhaps the most favorable terms that a capitulating city ever obtained, were satisfactory to every one except the fearless, stubborn veteran to whose solitary valor and pertinacity they were in no small degree a tribute ; and it was not till two days after they had been signed by the commissioners on both sides, that Stuyvesant, still erect amidst his forlorn circumstances, could be persuaded to ratify them. Yet the Dutch West India Company, whose blunders and imbecility promoted the fall of a dominion which they were unworthy to administer, had the mean ingratitude to express dissatisfaction with the conduct of this magnanimous man. The conquest of the capital, which now received the name of New York (a name also extended to the whole provincial territory), was followed by the surrender of Albany, and the general submission of the province, with its subordinate settlement of Dutch and Swedes in Delaware. The government of Britain was acknowledged over the whole region in the beginning of October, 1664.<sup>1</sup>

Thus, by an act of the most flagrant injustice and insolent usurpation, was overthrown the Dutch dominion in North America, after it had subsisted for more than half a century, and had absorbed the feebler colonial settlements of Sweden. It is impossible for a moment to suppose that the king of England was prompted to undertake this enterprise by an honest conviction of his right to the territory ; and that he was actuated by no concern for the interest of his other colonies was proved (if such proof were wanting) by his subsequent conduct with regard to Acadia. This region, to which the English had as fair a claim as to New York,<sup>2</sup> was conquered from its French

actually occur ; for he states, that, on the complaint of Holland, the King disavowed the expedition, and imprisoned the admiral. But he has confounded the invasion of New York with the expedition against Goree, which took place two years before, and which Charles, after despatching, affected to disavow.

<sup>1</sup> Oldmixon. Smith. Chalmers. Trumbull. Hutchinson.

<sup>2</sup> It was included in the claim derived from Cabot's voyage, and had been made the subject of various grants by James the First and Charles the First, to the Plymouth Council in the first instance, and afterwards to Lord Stirling. This nobleman was the king's secretary of state in Scotland ; and seeing the English courtiers obtaining grants of American territory, he applied for a share of this advantage ; and Acadia, under the name of Nova Scotia, was granted to him (very irregularly) by a patent under the great seal of Scotland.

occupiers by the fair and legitimate hostilities of Cromwell ; and yet the earnest entreaties of the New England colonies could not prevent the king from restoring it to France, a neighbour much more dangerous than Holland to his subjects. But Acadia was not, like New Netherlands, a settlement of Protestant republicans, but of the subjects of a brother despot, to whom Charles became a pensioner, and to whom he scrupled not to sell as much of the honor of England as was capable of being bartered by his hands. His object, in so far as it embraced the English colonies, was rather to intimidate them than to promote their advantage. Yet eventually it was they who derived the chief benefit from the acquisition of New York ; and this, as well as every other conquest of American territory achieved by Great Britain, only tended to undo the bands by which she retained her colonies in a state of dependence. As they ceased to receive molestation or alarm from the neighbourhood of rival settlements, their strength and their jealousy converged against the power and pretensions of the parent state.

Colonel Nichols, who was appointed the first British governor of New York, — perhaps with the humane view of persuading his master to refrain from burdening or irritating the people by fiscal impositions, — studiously depreciated the actual condition of the settlement in his letters to the Duke of York. But all the early writers and travellers unite in describing the Dutch colonial metropolis as a handsome, well-built town ; and Josselyn declares that the meanest house in it was worth a hundred pounds.<sup>1</sup> Indeed, the various provisions that were introduced into the articles of surrender, for preserving the comforts of the inhabitants undiminished, attest the orderly and plentiful estate which these colonists had attained, as well as explain the causes of their unwarlike spirit. If the manners of the Dutch colonists corresponded with those of their countrymen in the parent state, they were probably superior in refinement to the manners which the English colonists could derive from similar imitation. Sir William Temple was surprised to find in Holland that he was expected not to spit upon the floors of gentle-

<sup>1</sup> Josselyn's *Second Voyage*. Oldmixon.

men's houses.<sup>1</sup> Of the colonists who had latterly resorted to the province, some were persons who had enjoyed considerable affluence and respectability in their native country, and who imported with them, and displayed in their houses, costly services of family plate, and well-selected productions of the Dutch school of painting.<sup>2</sup> No account has been preserved of the total population of the province and its dependencies ; but the metropolis, at this time, contained about three thousand persons.<sup>3</sup> More than half of this number chose to continue in the place, after its annexation to the British empire ; the rest abandoned a settlement which was no longer to retain its Dutch aspect or name ; and their habitations were soon occupied by a supply of emigrants, partly from Britain, but chiefly from New England. The Duke of York, in order to allure the New England planters to settle in his province, published what he termed *conditions for plantations*, by which (among other provisions) it was declared that the inhabitants of every township should elect their own minister of religion, and determine his emoluments by private agreement between themselves and him.<sup>4</sup> Among the Dutch who remained at New York was the venerable Stuyvesant, who still adhered to the wreck of the institutions and community over which he had presided, and to the scenes that reminded him of the exploits of his old age. Here, for a few years more, he prolonged the empire of Dutch manners and the respect of the Dutch name, till, full of days and honor, he breathed his last amidst the tears of his countrymen. His descendants inherited his worth and popularity, and in the following century were frequently elected into the magistracy of New York.<sup>5</sup>

<sup>1</sup> Sir W. Temple's *Works*.

<sup>2</sup> Grant's *Memoirs of an American Lady*. 'An ingenious and observant traveller, in his contrasted sketch of Dutch and English colonial manners, remarks that Dutchmen are always more prone to improve the appearance than to enlarge the extent of their plantations; that the Dutch begin soonest to enjoy, and the English continue longest to pursue, their acquisitions; and that the same funds which an English planter employs to increase the sphere of his industry and the sources of his revenue are preferably devoted by a Dutchman to the embellishment of his house and the refinement of his domestic accommodations. Bolingbroke's *Account of Demerara*.

<sup>3</sup> I found this calculation on a *Report to the Board of Trade* a few years after, published by Chalmers, together with a consideration of the intervening events.

<sup>4</sup> Oldmixon. Smith.

<sup>5</sup> Chalmers. Smith.



One of the earliest transactions in which Nichols was engaged [December, 1664] bore reference not to his authority as provincial governor, but to the functions which he shared with the other commissioners of the English monarch ; in conjunction with whom he had now to ascertain and determine the boundaries of New York and Connecticut. The claims of the latter of these provinces in Long Island were disallowed, and the whole of this insular region was annexed to the new British jurisdiction ; but in the arrangement of the boundaries on the main land, so little disposition was entertained to take advantage of the erroneous designation in the Duke of York's charter, — so ignorant also of the localities of the country were the commissioners, — and so much inclined, at the same time, to gratify the people of Connecticut, in order to detach them from the interest of Massachusetts, — that Connecticut undoubtedly received an allotment of territory far more liberal than equitable. At a subsequent period it was found necessary to make a more equitable adjustment of the limits of Connecticut and New York ; which, however, was not accomplished without violent dispute and altercation between the two provincial governments.<sup>1</sup>

Leaving the other commissioners to proceed to the execution of their functions in New England, Nichols betook himself to the discharge [1665] of his own peculiar duty in the province which he was deputed to govern. The Duke of York had made an ample delegation of authority to his lieutenant, and the prudence and humanity of Nichols rendered his administration creditable to the proprietary and acceptable to the people. To confirm the acquisition that his arms had gained, and to assimilate, as far as possible, the different races of inhabitants of the province, Nichols judged it expedient to establish among them all a uniform frame of civil polity ; and with a prudent conformity to the institutions already established by the Dutch, he formed a court of assizes, composed of the governor, the council, and the justices of the peace, which was invested with every branch of authority, legislative and executive, within the colony. The only liberal institution that he was permitted to introduce

<sup>1</sup> Smith. Chalmers.

was trial by jury ; and to this admirable check on judicial iniquity all suits and controversies were subjected. He encouraged the colonists to make purchases of land from the natives ; and these purchases he confirmed by charters from himself, in which he reserved to the proprietary a quitrent of a penny an acre. A dispute which occurred among the inhabitants of Long Island suggested to him a salutary regulation which continued long to obtain in the province. The dispute arose out of some conflicting Indian grants ; and to prevent a recurrence of such disagreements, as well as of the more fatal dissensions which were apt to spring from these transactions with the natives, it was ordained that henceforward no purchase from the Indians should be valid, unless the vendition were authorized by a license from the governor, and executed in his presence. The formidable number and martial spirit of the natives rendered it necessary to treat them with unimpeachable justice ; and to prevent their frequent sales of the same land to different persons (a practice in which they had been encouraged by the conflicting pretensions and occupations of the Dutch, Swedes, and English), it was judged expedient that the bargains should be signalized by some memorable solemnity. The friendly relations now established between the European colonists of this province and the powerful confederacy of Indian tribes distinguished by the title of *The Five Nations*, and which will afterwards demand a considerable share of our attention, were promoted by the harmony which subsisted between the Dutch and Indians during the government of Stuyvesant, whose prudence thus bequeathed a wise lesson and a valuable opportunity to his successor.<sup>1</sup>

The Court of Assizes proceeded, without delay, to collect into one code the ancient customs of the province, with additional ordinances, rendered necessary by the recent change of empire [June, 1665], and which served to introduce a practical application of the supremacy ascribed to the jurisprudence of England. In this code, which was afterwards ratified by the Duke of York, there occur some laws that denote the influence which the New England settlers in Long Island<sup>2</sup> doubtless ex-

<sup>1</sup> Smith. Chalmers. Colden's *History of the Five Nations*.

<sup>2</sup> It was probably to them that Nichols alluded, when, in a letter to the

exercised in its composition. Any person above sixteen years of age, striking his father or mother (except in defence of his own life), "at the complaint of the said father and mother, and not otherwise, they being sufficient witnesses thereof," was adjudged to suffer death. Travelling on Sunday was forbidden ; and fornication was *punished by marriage*, fine, flogging, or imprisonment, according to the discretion of the judges. The barbarous state of medical science and practice was indicated by an ordinance prohibiting all surgeons, physicians, and midwives from "presuming to exercise or put forth any act contrary to the known approved rules of art"; and the unsubdued state of nature appears from the proposition of rewards for the destruction of wolves in Long Island.<sup>1</sup> The city of New York, which had enjoyed extensive privileges under the old government, was now incorporated and placed under the administration of a mayor, aldermen, and sheriff ; the English official nomenclature serving additionally to link the provincial institutions with English jurisprudence. One of the highest acts of power that was reserved to the Court of Assizes was the imposition of taxes ; and this it was soon called to exercise in order to meet the exigencies of the war which Charles the Second had finally succeeded in kindling with Holland. But even the most ungracious acts of Nichols were disarmed of their offence by a conciliating demeanour that caused the Dutch to forget he had been their conqueror, and by the moderation and integrity which he uniformly displayed, and the personal sacrifices that he readily incurred for the public advantage. An assembly of deputies from the Dutch and English plantations in Long Island, which he summoned to adjust the relative boundaries of these settlements, took the opportunity of their congregation to transmit an address to the Duke of York, acknowledging their dependence on his sovereignty according to his patent ; engaging to defend his rights, and to submit cheerfully to whatever laws might be enacted by his authority ; and desiring that their declaration might be preserved and exhibited as a memorial against them and their posterity, if they should ever happen

Duke of York, he expressed his hope that "now even the most factious republicans must acknowledge themselves satisfied with the way they are in." Chalmers.

<sup>1</sup> *Collections of the New York Historical Society.*



to fail in the performance of their duty.<sup>1</sup> Yet one portion of these people had but recently submitted to Nichols as the conquering leader of the troops of a foreign usurper ; and the others had as recently been severed from the liberal institutions of New England.

The intelligence of the declaration of war with Holland [1666], which was communicated by the Lord Chancellor (Clarendon) to Colonel Nichols, was accompanied with the assurance that the Dutch were preparing an expedition for the recovery of their American colony, and that De Ruyter had received orders to sail immediately for New York.<sup>2</sup> Nichols exerted himself, with his usual firmness and activity, to resist the assault of so formidable an invader ; and though it proved eventually, that either the chancellor's information was erroneous, or that the expedition was suspended by De Ruyter's more important avocations in Europe, the expense that attended the preparations for his reception, together with the other consequences of the war, inflicted much inconvenience and distress on the province. As the people were destitute of shipping, their trade, which had been carried on by Dutch vessels, was completely suspended ; no supplies were obtained from England to alleviate this calamity ; and in addition to other concomitant burdens of war, a general rate or tax was imposed on the estates of the inhabitants by the Court of Assizes. There was reason to apprehend that the product of this tax would be insufficient, and the preparations consequently inadequate to repel the expected invasion. In this extremity, the governor, without pressing the people for farther contributions to defeat an enterprise which many of them must have contemplated with secret good-will, generously advanced his own money and interposed his private credit to supply the public exigencies. Happily for the province, which Nichols, with the aid of the neighbouring English colonies, would have defended to the last

<sup>1</sup> Smith. Chalmers.

<sup>2</sup> Hume says that De Ruyter actually committed hostilities on Long Island before the declaration of war, in revenge of the capture of New York. But De Ruyter was not accustomed so inadequately to avenge the wrongs of his country ; and Hume has been misled by an erroneous account, or by inaccurate recollection, of a more serious and successful attack on New York by the Dutch about seven years after this period, and in the course of a subsequent war.

extremity, neither the States General, nor the Dutch West India Company, made any attempt to repossess themselves of New York during this war ; and at the peace of Breda it was ceded to England [July, 1667] in exchange for her colony of Surinam, which had been conquered by the Dutch. This exchange was no otherwise expressed, than by a general stipulation in the treaty that each of the two nations should retain what its arms had acquired since hostilities began.<sup>1</sup> The Dutch had no reason to regret the transaction ; for it was impossible that they could long have preserved New York against the increasing strength and rivalry of the colonies of New England, Maryland, and Virginia. It was by this treaty that Acadia was ceded to France, which had acted as the ally of Holland during the war, and was the only party that reaped advantage from it. England saw her character sullied by the injustice of her hostilities ; the glory of her arms obscured by a signal disgrace at Chatham ; the conquest formerly achieved for her by Cromwell surrendered [1667] ; and every one of the purposes that induced her monarch to provoke the quarrel disappointed.

The security which the British dominion in New York derived from the treaty of Breda tended with seasonable occurrence to supply the loss of the services of Colonel Nichols, who, finding the pecuniary burdens of the war pressing too heavily on his own private fortune, was forced, in the beginning of this year, to resign a command which had proved not less honorable to himself than satisfactory and advantageous to the people over whom it was exercised. The king expressed his sense of the meritorious conduct of Nichols, by a present of *two hundred pounds* ; and this brave and modest loyalist was more gratified with the expression of royal favor and remembrance, than disappointed by the meanness and inadequacy of the remuneration. He was long remembered with respect and kindness by a people whom he had found hostile and divided ; and whom, notwithstanding that he was constrained to deprive them of liberty and independence, he left friendly, united, and contented.<sup>2</sup> The benefit of his successful exertions, together

<sup>1</sup> Smith. Chalmers. Douglass.

<sup>2</sup> From his monument in Ampthill church, Bedfordshire, it appears that Nichols was killed on board the Duke of York's ship, in a sea-fight with the

with the advantage of peace, and of the recognition by Holland of the British dominion, devolved on his successor, Colonel Lovelace, a man of quiet temper and moderate disposition, which in tranquil times so well supplied the absence of vigor and capacity, that the colony, during the greater part of six years that composed the period of his presidency, enjoyed a noiseless tenor of content and prosperity ;<sup>1</sup> and the most memorable occurrence that signalized his administration was the unfortunate event that brought it to a close.

The second war with Holland [1672], which the king undertook in subservience to the ambition of Louis the Fourteenth, was calculated no less to injure the trade of New York, than to disturb the harmony of its mixed inhabitants, and alienate the regards of the original colonists from their existing rulers. The false and frivolous reasons assigned by the English court for this profligate war rendered it more offensive to every Dutchman by adding insult to injury ; and the gallant achievements of De Ruyter, that extorted the admiration and applause even of his enemies, must have awakened in the most phlegmatic bosoms of the Dutch colonists some sympathy with the glory and danger of their country, and a reluctance to the destiny that associated them with her enemies. The intelligence of the Duke of York's recent profession of the Catholic faith contributed to increase their discontent, which at length prevailed so far with a considerable number of them, that they determined to abandon New York, and either return to Holland, or seek another colonial establishment in the new world. Happily for British America, they were retained within her territory by the address of the proprietaries of Carolina, who engaged them to direct their course towards this province, where, remote from foreign war, and surmounting hardships by patient industry, they formed a settlement that recompensed them for the habitations they had forsaken.<sup>2</sup> If more of their countrymen projected a similar re-

Dutch in 1672. Within the pediment is fixed the cannon-ball that killed him, surmounted by this inscription : — *Instrumentum mortis et immortalitatis.*

<sup>1</sup> A feeble attempt was made in the year 1669, by one Coningsmark, a Swede, to excite an insurrection of his countrymen in the Delaware territory against the English. The attempt was defeated without bloodshed, and Coningsmark was condemned to be sold as a slave in Barbadoes. Samuel Smith's *History of New Jersey.*

<sup>2</sup> See *ante*, Book IV., Chap. I.



treat from New York, their purpose was suspended by an event which occurred the same year, and invited them to embrace a more gratifying deliverance from the irksomeness of their situation. A small squadron had been despatched from Holland, under the command of Binkes and Evertzen, to attack the shipping and harass the commerce of the English colonies ; and having performed this service with some effect on the Virginian coast, they were induced to attempt a more important enterprise, by intelligence of the negligent security of the governor of New York. Repairing with secrecy and expedition to this ancient possession of their country [July, 1673], they had the good fortune to arrive at the metropolis while Lovelace was at a distance, and the command was administered by Colonel Manning, whose own subsequent confession, added to the more credible testimony of his conduct, has branded him with the attributes of a traitor and poltroon. Now was reversed the scene that had been presented when New York was invaded by Nichols. The English inhabitants prepared to defend themselves, and offered their services to Manning ; but he obstructed their efforts, rejected their aid, and, on the first intelligence of the enemy's approach, struck his flag before their vessels were even in sight. As the Dutch fleet advanced, his garrison could not forbear to demonstrate their readiness to fight ; but, in a transport of fear, he forbade a gun to be fired on pain of death, and surrendered the place unconditionally to the invaders.<sup>1</sup> The moderation of the conquerors, however, showed them worthy of their success ; and, hastening to assure all the citizens of the security of private rights and possessions, they inspired the Dutch colonists with triumph, and left the English no cause of resentment but against their pusillanimous

<sup>1</sup> Manning, after all this extraordinary and unaccountable conduct, had the impudence to repair to England ; whence he returned, or was sent back, when the province was again given up by the Dutch in the following year. He was then tried by court-martial on a charge of treachery and cowardice, expressed in the strongest and most revolting terms. Confessing this charge to be well founded, he received a sentence almost as extraordinary as his conduct :—“That, though he deserved death, yet because he had since the surrender been in England, and *seen the king and the duke*, it was adjudged that his sword should be broke over his head in public, before the city hall, and himself rendered incapable of wearing a sword, and of serving his Majesty for the future in any public trust.” Smith. The benefit of the old maxim, respected on this occasion, that grace is dispensed by the mere look of a king, was denied a few years after to the unfortunate Duke of Monmouth.

commander. The same moderation being proffered to the other districts of the province, on condition of their sending deputies to swear allegiance to the States General, the inclinations of one party and the fears of the other induced the whole to submit ; the Dutch dominion was restored with a suddenness that exceeded the circumstances of its overthrow ; and the name of New Netherlands once more was applied to the province.<sup>1</sup> But neither the triumph of the one party, nor the mortification of the other, was destined to have a long endurance.

Great was the perturbation that these events excited in the adjoining colonies of the English. The government of Connecticut, with amazing absurdity, sent a message to the Dutch admirals, remonstrating against their usurpation of dominion over the territory of England and the property of her subjects ; desiring them to explain the meaning of their conduct and their further intentions ; and warning them that the United Colonies of New England were intrusted with the defence of their sovereign's empire in America, and would be faithful to their trust. To this ridiculous application the Dutch commanders returned a soldier-like answer, expressing their just surprise at the terms of it, and declaring that they were commissioned by their country to endamage the power and possessions of her enemies by sea and land ; and that, while they applauded the fidelity of the English colonies to their sovereign, they would emulously conform to an example so deserving of imitation, and endeavour to approve themselves not less zealous and faithful in the service of the States General. Active preparations for war ensued forthwith in Connecticut and the other confederated colonies ; but as each party stood on the defensive, awaiting the onset of the other, only a few insignificant skirmishes had taken place, when the arrival of winter suspended military operations. Early in the following spring [1674], the controversy was terminated, without farther bloodshed, by the intelligence of the treaty of peace concluded at London, and of the restoration of New York to the English by virtue of a general stipulation, that all countries, conquered

<sup>1</sup> When the intelligence of this disaster arrived in England, preparations were made for "sending succours to recover New York." Evelyn's *Diary*, 27th October, 1673.

during the war, should be restored to the power that possessed them at its commencement.<sup>1</sup>

The events of this war, both in Europe and America, were attended with important consequences to that portion of the North American population which derived its origin from Holland. The elevation to the dignity of Stadtholder, which the Prince of Orange now obtained from the fear and danger of his countrymen, and from their desire to propitiate the king of England,<sup>2</sup> paved the way to his advancement to the English throne, and consequently to a reign under which the Dutch colonists, though disunited from Holland, ceased to regard the British sovereignty as a foreign domination. The reconquest of the province by the Dutch arms, and the final cession of it to England by a pacific and conventional arrangement, cured the wound that was inflicted by the insolent injustice of England's original acquisition. Many of the Dutch colonists, besides, apprehensive of molestation, or at least despairing of favor from a government whose temporary overthrow had provoked their undisguised triumph, were the more readily induced to follow their former companions who had emigrated to Carolina ;<sup>3</sup> and this dispersion of the Dutch tended at once to promote their friendly commixture with the English, and to divest New York of a distinctive character which might have obstructed harmony between her and the other provinces, with which she was henceforward to be indissolubly connected.

The Duke of York, understanding that some doubts existed concerning the validity of his original patent, which he had received at a time when the Dutch government was in peaceable possession of the country, and which, even though originally valid, yet seemed to have been vacated by the intervening conquest, thought it prudent to remedy this defect, and signalize the resumption of his proprietary functions by obtaining a new charter. This instrument, which he found no difficulty in obtaining [June 29, 1674], recited and confirmed the former grant of the province. It empowered the duke to govern the inhabitants "by such ordinances as he or his assigns should establish"; and to administer justice according to the laws of Eng-

<sup>1</sup> Smith. Chalmers. Trumbull.

<sup>2</sup> Temple's *Works*.

<sup>3</sup> See *ante*, Book IV., Chap. I.



land, with the admission of an appeal to the king in council. It prohibited all persons from trading to New York without his permission ; and though it allowed the colonists to import merchandises from England, it subjected them to payment of the same customs that were elsewhere prescribed by the laws of the realm. Under the authority of this charter, the duke continued to rule the province (diminished in extent by its partition from the New Jersey territory, which he had previously assigned to Berkeley and Carteret) till his proprietary right was merged in his regal title. It seems, at first sight, not a little surprising that neither in this nor in the former charter of the territory did the brother of the king obtain a grant of the same extraordinary powers and privileges that had been conferred on the proprietaries of Maryland and Carolina. But, relying on the greatness of his connection and his prospects, the duke probably was little solicitous to share the dignities and immunities which were coveted by those other proprietaries ; and while as counts palatine they assumed a style of independence in the administration of their governments, he contented himself with ruling his territory in the name of the king. The misfortunes and evident incapacity of Lovelace precluded his reappointment to the office of governor, which was conferred on Edmund Andros [July 1, 1674], a man who disgraced superior talents by the unprincipled zeal and activity with which he rendered them subservient to the arbitrary designs of a tyrant.<sup>1</sup> This officer, whose subsequent conduct in New England has already introduced him to our acquaintance, now commenced that career in America which has gained him so conspicuous a place in her annals for twenty years after the present period. He was commanded to respect private rights and possessions, while he received the surrender of the province and its public property from the Dutch, and to distribute justice in the king's name according to the forms observed by his predecessors. But in order to raise a revenue and defray the expenses of government, a great variety of *rates* were at the same time imposed by the sole authority of the duke ; and an Englishman,

<sup>1</sup> See Note IV., at the end of the volume.

named Dyer, was appointed the collector of these odious and unconstitutional impositions.<sup>1</sup>

The duke, in his instructions to Andros, recommended to him the exercise of gentleness and humanity ; but his selection of this officer to administer the arbitrary policy which he now began to pursue towards the colonists gave more reason to suppose that the admonition was necessary than that it would prove effectual ; and, accordingly, the new governor had not been long in the province [1675], when, besides embroiling himself with the neighbouring government of Connecticut, he excited the murmurs and remonstrances of the magistrates, the clergy, and a great majority of the people who were subjected to his command. The pressure of the arbitrary rates suggesting especially to the inhabitants of Long Island the benefit of a representative assembly, they began at length to broach this proposition as a matter of constitutional right ; but these first aspirations of liberty were checked by Andros with a vigor and decision for which he received the thanks of his master. A Dutch clergyman, named Renslaer, who was recommended by the duke to the patronage of Andros, proved unacceptable to the people, and was punished by the magistrates of Albany for some illegal and offensive language. The governor interfered, with his usual energy, in the dispute, and, having first loaded with insult a popular clergyman, whom Renslaer considered his rival, adjudged all the magistrates to find bail to answer Renslaer's complaints, to the extent of five thousand pounds each ; and threw Leisler, one of their number, into prison for refusing to comply. But finding that in this proceeding he had stretched his authority farther than he could support it, he was compelled to recede, barely in time to prevent a tumult that might have dissolved the government. Apparently somewhat daunted with his defeat, he conducted himself with greater regard to prudence, and was enabled for a while to enjoy a quiet administration ; but the seeds of popular discontent had been sown, and a strong desire for more

<sup>1</sup> Scott's *Model of the Government of East New Jersey*. The charter is here recited at length. Of this curious work (which will demand farther notice in Book VI.) I have seen copies in the library of Göttingen, and in the Advocates' Library of Edinburgh. Smith. Chalmers.

liberal institutions took silent yet vigorous root in the colony. This disposition, which the contagious vicinity of liberty in New England doubtless tended to keep alive, was fomented by a measure to which the governor resorted, in order to supply the inadequate returns from the provincial rates, — the practice of soliciting pecuniary *benevolences* from the various communities and townships within his jurisdiction. [1676.] This policy, *the badge of bad times*, as a colonial historian has termed it, sometimes effectually befriends those rights which it attacks indirectly, and yet affects to recognize. In the close of the following year [1677], Andros was compelled to pay a visit to England in order to obtain farther instructions adapted to the new scene that was about to open.<sup>1</sup>

The rates imposed by the Duke of York, and which constituted the revenue he derived from the province, had been limited to the duration of three years ; and as the allotted period was on the point of expiring, the interest both of the government and the people was fixed on the issue to which this emergency would lead. The people anxiously hoped that the financial difficulties by which the government was embarrassed would induce their proprietary to consent to the desires they had expressed [1677], and to seek the improvement of his revenue from the establishment of a representative assembly. But the duke regarded this measure with aversion ; and thought that he made a sufficient sacrifice to the advantage of the colonists by simply proclaiming that the former rates should continue for three years longer. [1678.] When Andros returned to his government with this unwelcome edict, the province resounded with murmurs of disappointment ; and when a new edict, in the following year [1679], announced an increase of the tax on the importation of liquors, the public indignation was expressed so warmly, and so many complaints were transmitted to England, that the duke, in much surprise, recalled his governor to give account of an administration that plainly appeared to be universally odious. [1680.] This prince was determined that his subjects should be enslaved, and at the same time quite willing that they should be happy ; and seeing

<sup>1</sup> Smith. Chalmers.



no incompatibility between those circumstances, he supposed the more readily that Andros might have perpetrated some enormities for which the exigence of his official position would not furnish an apology, and therefore called him home to ascertain if he had really so discredited legitimate tyranny. The inquiry, as might be expected, terminated in the acquittal of the governor, who easily demonstrated that he had committed no breach of trust ; that he had merely exerted a spirit suitable to the arbitrary system confided to his conduct, and enforced his master's commands with the rigor that was necessary to carry such obnoxious mandates into execution. But certain circumstances which occurred in the colony, during the absence of Andros, determined the duke to forbear for the present to reemploy so unpopular an officer, or to risk his own authority in a farther struggle with the current of popular will, till his hand should be strengthened by the hold of a sceptre.

Dyer, the collector of the revenue, continued for some time after his appointment to execute his official functions with great odium, but little opposition. Latterly, however, the people had begun to question the legitimacy no less than the liberality of a system of taxation originating with the duke alone ; and when they learned that their doubts were sanctioned by the opinions of the most eminent lawyers in England, their indignation broke forth with a violence that nearly hurried them into the commission of injustice still more reprehensible than the wrongs they complained of. They accused Dyer of high treason, for having collected taxes without the authority of law ; and the local magistrates, seconding the popular rage, appointed a special court to try him on this absurd and unwarrantable charge. It was pretended, that, although he had not committed any one of the offences specified in the English statute of treasons, yet it was lawful to subject him to the penalties of this statute, on the ancient and exploded charge of *encroaching power* ; — one of those vague and unintelligible accusations which it was the express purpose of the statute to abolish. But reason and humanity regained their sway in the short interval between the impeachment and the trial ; and when the prisoner demanded to know whence his judges derived their functions, and if they did not act as servants and delegates of the

same prince whose commission he had himself obeyed, — the court interposed to suspend farther prosecution of the affair within the colony, and ordered the prisoner to be sent with an accuser to England. [1681.] He was of course liberated immediately after his arrival ; and no accuser ventured to appear against him. But if the arraignment was any thing more than a bold, inconsiderate expression of popular displeasure and impatience, it accomplished the farthest purposes of its promoters ; and to their spirited, though irregular measures, New York was indebted for the overthrow of an odious despotism and her first experience of systematic liberty. While the duke regarded with astonishment the violent proceedings by which his officer had nearly perished as a traitor, and was banished from the colony without a voice being raised in his favor, he was assailed with expressions of the same sentiments that had produced this violence, in a more constitutional, and therefore, perhaps, more unwelcome shape. The governor's council, the Court of Assizes, and the corporation of the city of New York united with the whole body of the inhabitants in soliciting the duke to extend to the people a share of the legislative authority ; and while their conduct enabled him to interpret these addresses into a virtual declaration that they would no longer continue to pay taxes without possessing a representative assembly, he was informed by his confidential advisers that the laws of England would support them in this pretension. Overcome by the combined force of all these circumstances, and not yet advanced to the height whence he was afterwards enabled to regard the suggestions of legal obstructions with contempt, the duke first paused in his arbitrary career, and then gave a reluctant and ungracious assent to the demands of the colonists. Directions were sent to the deputy-governor, on whom the administration devolved in the absence of Andros, " to keep things quiet at New York in the mean time " ; and shortly after [February, 1682], it was intimated to him that the duke would condescend to grant the boon which the people desired, on condition of their raising enough of money for the support of government, and of the principal inhabitants assuring him by a written engagement that this should be done. In fine, after wavering a little longer between fear and aversion, the

duke gave notice of his fixed determination to establish in New York the same frame of government that the other English colonies enjoyed, and particularly a representative assembly. The governor whom he nominated to conduct the new administration was Colonel Dongan, afterwards Earl of Limerick, a man of probity, moderation, and conciliating manners, and, though a professed Roman Catholic, which perhaps was his chief passport to the duke's favor, yet in the main acceptable, and justly so, to a people who regarded the Catholic faith with suspicion and dislike. The instructions that were given to Dongan required him to convoke an assembly, which was to consist of a council of ten nominated by the proprietary, and of a house of representatives, not exceeding eighteen, elected by the freeholders. Like the other provincial legislatures, this body was empowered to make laws for the colonists, under the condition of conformity to the general jurisprudence of the empire, and of dependence on the assent or dissent of the proprietary. Thus the inhabitants of New York, after having been treated as a conquered people for nearly twenty years, and governed by the arbitrary will of the Duke of York and his deputies, were elevated in the scale of political existence by their own spirit and vigor ; and, by a singular coincidence, obtained a free constitution at the very time when their old rivals, the colonists of New England, were deprived of it. Nothing could be more acceptable to them than this interesting change ; and the ardent gratitude of their acknowledgments expressed much more justly their relish of the benefit than the merit of their nominal benefactor.<sup>1</sup>

The most interesting monument of the tyrannical administration which was thus suspended is a report prepared by Andros, in reply to certain inquiries of the English Committee of Colonies in the year 1678 ; from which, and from a similar communication by the municipality of New York to the Board of Trade a few years after, some insight may be obtained into the condition of the province about this period. The city of New York, in 1678, appears to have contained three thousand four hundred and thirty inhabitants, and to have owned no larger navy than

<sup>1</sup> Smith. *History of the British Dominions in America.* Chalmers.



three ships, eight sloops, and seven boats. No account has been preserved of the population of the whole province, which contained twenty-four towns, villages, or parishes. About fifteen vessels, on an average, traded yearly to the port of New York, importing English manufactures to the value of fifty thousand pounds, and exporting the productions of the colony, which consisted of land produce of all sorts, among which are particularized beef, pease, lumber, tobacco,<sup>1</sup> peltry procured from the Indians, and sixty thousand bushels of wheat. Of servants the number was small; and the demand for them was great. Some unfrequent and inconsiderable importations of slaves were made from Barbadoes; and there were yet but very few of these unfortunate beings in the colony. Agriculture was more generally pursued than commerce. A trader worth five hundred pounds was considered a substantial citizen; and a planter worth half that sum in movables was accounted rich. The united value of all the estates in the province was estimated at one hundred and fifty thousand pounds. "Ministers," says Andros, "are scarce, and religions many." The duke maintained a chaplain at New York, which was the only assured endowment of the church of England. There were about twenty churches or meeting-places, of which half were destitute of ministers. All districts were liable by law to the obligation of building churches and providing for ministers, whose emoluments varied from forty to seventy pounds a year, with the addition of a house and garden. But the Presbyterians and Independents, who formed the most numerous and thriving portion of the inhabitants, were the only classes of people who showed much willingness to procure and support ministers. Marriages were allowed to be solemnized either by ministers or by justices of the peace. There were no beggars in the province; and the poor, of which the number was inconsiderable, were carefully tended and plentifully relieved. The number of the militia amounted to two thousand, comprehending one hundred and forty horsemen; and a standing company of soldiers was maintained, as well as gunners and other officers, for the forts of Albany and New York. Such was the

<sup>1</sup> Denton states that the New York tobacco was considered equal in quality to the finest produce of Maryland.

condition of the province about four years preceding the period at which we have now arrived. Four years after (in 1686) it was found to have improved so considerably, that the shipping of New York amounted to ten three-masted vessels, twenty sloops, and a few ketches of intermediate bulk. The militia had also increased to four thousand foot, three hundred horse, and a company of dragoons.<sup>1</sup> The augmentation of inhabitants, indicated by this increase of military force, appears the more remarkable, when we consider, that, some time prior to this last mentioned period, the province was diminished by the dismemberment of the Delaware territory, which had been partly surrendered to Lord Baltimore, and partly assigned to William Penn.

<sup>1</sup> *State Papers, apud Chalmers.*

## CHAPTER II.

Colonel Dongan's Administration. — Account of the Five Indian Nations of Canada. — Their Hostility to the French. — Missionary Labors of the French Jesuits. — James the Second abolishes the Liberties of New York — commands Dongan to abandon the Five Nations to the French. — Andros again appointed Governor. — War between the French and the Five Nations. — Discontents at New York. — Leisler declares for King William, and assumes the Government. — The French attack the Province, and burn Schenectady. — Arrival of Governor Sloughter. — Perplexity of Leisler — his Trial — and Execution. — Wars and mutual Cruelties of the French and Indians. — Governor Fletcher's Administration. — Peace of Ryswick. — Piracy at New York. — Captain Kidd. — Factions occasioned by the Fate of Leisler. — Trial of Bayard. — Corrupt and oppressive Administration of Lord Cornbury. — State of the Colony at the Close of the Seventeenth Century.

COLONEL DONGAN did not arrive at the seat of his government till a year after the date of his appointment [August, 1683] ; a delay which appears to have created some uneasiness, and was probably beneficial to the people, in affording time for the first ardor of an ill-merited loyalty to cool, and suggesting precautions for preserving liberty that should signalize the first opportunity of exercising it. To appease the public inquietude, the governor, immediately after his arrival, issued writs to the sheriffs, directing them to convene the freeholders, for the purpose of electing their representatives in the assembly ; and this legislative body soon afterwards held its first meeting at New York, to the great satisfaction of the whole province. One of the earliest ordinances which it framed naturally arose from the mixture of nations of which the population was composed, and was an act of general naturalization, extending equal privileges to all. From this period the Dutch and English at New York were firmly compacted into one national body. They saw the daughter of their common proprietary married to the Stadtholder of Holland ; and willingly cemented their own union by frequent intermarriage



and the ties of consanguinity. There was passed, at the same time, an act *declaring the liberties of the people*, and one for defraying the requisite charges of government for a limited time. These, with a few other laws regulating the internal economy of the province, and, in particular, appointing its division into counties, were transmitted to the Duke of York, and received his confirmation, as proprietary, in the following year. [1684.] An amicable treaty, which the governor concluded with the provincial authorities of Connecticut, extinguished the long-subsisting dispute with regard to the boundaries of Connecticut and New York.<sup>1</sup>

But the administration of Colonel Dongan was chiefly distinguished by the attention which he bestowed upon Indian affairs, and by the increasing influence which now began to be exerted on the fortunes of the province by its connection with the tribes composing the celebrated confederacy of *The Five Nations of Canada*. This federal association claimed an origin derived from the most remote antiquity ; and, as its title imports, comprehended five Indian nations, of which the Mohawks and Oneidas have obtained the most lasting name, and which were united, on terms of the strictest equality, in a perpetual alliance, for combined warfare and mutual defence and security. The members of the united body reckoned themselves superior to all the rest of mankind, and the distinctive appellation which they adopted<sup>2</sup> was expressive of this opinion. But the principles of their confederacy display far more policy and refinement than we might expect from the arrogance of their barbarous name. They embraced the Roman principle, of increasing their strength by incorporating the people of other nations with themselves. After every conquest of an enemy, when they had indulged their revenge by some bloody executions, they exercised their policy in the adoption of the remaining captives ; and frequently with so much advantage, that several of their most distinguished sachems and commanders were derived from vanquished foes. Each nation had its own separate republican constitution, in which official power and dignity were claimed only by age,

<sup>1</sup> Chalmers. Trumbull.

<sup>2</sup> *Ongue-honoe*, — that is, "Men surpassing all others." Colden.

procured only by merit, and retained by the duration of public esteem; and each was subdivided into three tribes, bearing respectively for their ensigns, and distinguished by the names of, the Tortoise, the Bear, and the Wolf. In no community, savage or civilized, that has ever existed, was age regarded with more respect, or youth endowed with greater beauty. Such was the efficacy of their mode of life in developing the grace and symmetry of the human frame, that, when the statue of the Apollo Belvidere was beheld, for the first time, by the American Apelles, Benjamin West, he started at the unexpected recognition, and exclaimed, "How like it is to a young Mohawk warrior!" The people of the several nations, and especially the Mohawks, were distinguished by the usual Indian qualities of attachment to liberty, stubborn fortitude in the endurance of pain, with equal sternness of ferocity in the infliction of it, and preference of craft and stratagem to undisguised operation in war;<sup>1</sup> and by a more than usual degree of perseverance, resolution, and active intrepidity. It was universally reported of them, says Charlevoix, that *they advance like foxes, attack like lions, and retreat like birds*. Almost all the tribes adjacent to this people, and even many at a great distance, though not included in the confederacy, yielding to the force or the reputation of its arms, acknowledged a subjection to it, paid a tribute, which two aged sachems were annually deputed to collect,<sup>2</sup> and were restrained from making war or peace without the consent of the Five Nations. It was the habitual policy of the chiefs to affect peculiar poverty, and, in the distribution of plunder and tribute, to resign their own private shares to the people. All matters of common concernment were transacted in general meetings of the sachems of each nation; and the influence of time, seconded by a course of judicious policy and victorious enterprise, had com-

<sup>1</sup> In this peculiarity most of the Indian tribes resembled the ancient Spartans; as they did also in their studious cultivation of conciseness of speech. Plutarch's *Life of Lycurgus* resembles the anticipated biography of an early chief or patriarch of the Five Nations.

<sup>2</sup> "I have often had opportunity to observe what anxiety the poor Indians were under, while those two old men remained in that part of the country where I was. An old Mohawk sachem, in a poor blanket and dirty shirt, may be seen issuing his orders with as arbitrary an authority as a Roman dictator." Colden.

pletely succeeded in causing the federal character and sentiments to prevail over the peculiarities of their separate national subdivisions. In the year 1677, the confederacy possessed two thousand one hundred and fifty fighting men. Both the French and the English writers, who have treated of the character or affairs of this people, agree in describing them as at once the most judicious and politic of the native powers, and the most fierce and formidable of the native inhabitants of America.<sup>1</sup> There was only wanting to their fame that literary celebration which they obtained too soon from the neighbourhood of a race of civilized men, who were destined to eclipse, and finally extinguish, their greatness. They have received, in particular, from the pen of an accomplished writer, Cadwallader Colden, one of the governors of New York, the same historic illustration which his own barbarian ancestors derived from the writings of Cæsar and Tacitus.

When the French settled in Canada, in the beginning of this century, they found the Five Nations engaged in a bloody war with the powerful tribe of *Adirondacks*; in which, after having been themselves so severely pressed, that they were driven from their possessions round Montreal, and forced to seek an asylum on the southeast coast of Lake Ontario, the Five Nations had succeeded in gaining a decided advantage, and in turn constrained their enemies to abandon their lands situated above the *Three Rivers*, and fly for safety behind the strait where Quebec was built. The tide of success, however, was suddenly turned by the arrival of Champlain, who conducted the French colony, and who naturally joined the *Adirondacks*, because he settled on their lands. The conduct, the bravery, and especially the firearms, of these new allies of the enemy proved an overmatch for the skill and intrepidity of the Five Nations, who were defeated in several battles, and reduced to

<sup>1</sup> La Potherie's *History of North America*. Colden. Smith. Wentworth Greenhalph's *Journal*, apud Chalmers. Galt's *Life of West*. Charlevoix's *Travels in North America*. Though I have dwelt at some length on the character of the Five Nations, I should account it a mere waste of words to particularize the names or discriminate the policy of all the various Indian tribes with whom the North American colonists were from time to time connected by friendly or hostile relations. In general, the distinctions between them were few and inconsiderable; and the revolutions of their condition and policy (as Milton remarked of the annals of barbarians) not more interesting than the kindred vicissitudes of a commonwealth of crows.



great distress. It was at this critical juncture that the first Dutch ship arrived in Hudson's River with the colonists who established themselves at Albany. The Five Nations, procuring from these neighbours a supply of that species of arms which had occasioned the superiority of their enemies, revived the war with such impetuosity and success, that the nation of the Adirondacks was almost entirely destroyed [1684], and the French too late discovered that they had espoused the fortunes of the weaker people.<sup>1</sup> Hence originated the mutual dread and enmity that long subsisted between the French and the confederated Indians and entailed so many calamities upon both. The French, less accustomed to the climate and less acquainted with the country than their savage enemies, attempted vainly to imitate their rapid and secret expeditions. A party despatched in the winter of 1665, by Courcelles, the governor of Canada, to attack the Five Nations, lost their way among wastes of snow, and, after enduring extreme misery, arrived, without knowing where they were, at the village of Schenectady, near Albany, which a Dutchman of consideration, named Corlear,<sup>2</sup> had recently founded. The French, exhausted, famished, and stupefied with cold and hunger, resembled rather a crew of helpless suppliants than an invading army, and would have fallen an easy prey to a band of Indians who were reposing themselves in the village, if Corlear, moved with compassion at their miserable appearance, had not employed both influence and artifice with the Indians, to persuade

<sup>1</sup> To amuse the French, the Five Nations, at one time, made a proposal of peace, to which the French heartily inclining, requested them to receive a deputation of Jesuits, whose exertions, they expected, would sincerely conciliate the friendship of the savages. The Five Nations readily agreed, and desired to see the priests immediately; but the instant they got hold of them, they marched to attack the Indian allies of the French, and taking the priests with them as hostages, to enforce the neutrality of their countrymen, gave the Adirondacks a signal defeat. Colden. The tribes opposed to the Five Nations in this war are called the *Hurons* and *Algonquins* by Charlevoix, who acknowledges that the war was provoked by the treachery and injustice of the allies of his countrymen. The Five Nations are often termed by French writers the *Iroquois*, and by the English writers the *Mohawks*; though this last was merely the distinctive name of one of the confederated tribes. Loskiel remarks very justly, that "the numbers of the Indians have been often overrated, owing to the different names given to one nation." *History of the Moravian Missions in North America*.

<sup>2</sup> This man enjoyed great influence with the Indians, who, after his death, always addressed the governor of New York with the title *Corlear*, as the name most expressive of respect with which they were acquainted. Colden.

them to spare their unfortunate enemies, and depart to defend their own people against a more formidable attack in a different quarter, of which he pretended to have received intelligence. When the Indians were gone, Corlear and his townsmen brought refreshments to the wretched Frenchmen, and supplied them with provisions and other comforts, by which they were enabled to return in safety to Canada, having received a touching lesson, that it is the mutual duty of men to mitigate by kindness and charity, instead of aggravating by contention and ferocity, the evils arising from the rigor of nature and the frailty of humanity. The French governor expressed much gratitude for Corlear's kindness, and the Indians never resented his benevolent stratagem ; but their mutual hatred and warfare continued unabated. After a long prevalence of severe but indecisive hostilities, both parties, wearied of the struggle, though not exhausted of animosity, acquiesced in a treaty of peace, which was concluded in the year 1667, and had endured ever since without any considerable interruption; at the period when Colonel Dongan was appointed governor of New York.

Of the relation that subsisted between the Dutch and the Five Nations only confused and uncertain accounts have been preserved. Those writers, who assert that the Dutch were continually in close alliance and friendship with the Indians, seem to have derived their statements entirely from their own conjectures of what was likely, and to have mistaken for an indication of particular good-will the indiscriminate readiness of the Dutch to traffic with friend or foe. It is certain, that, at one time, this people were engaged in a bloody war with the Indians,—though with what particular tribes there are no means of ascertaining ; and that during Stuyvesant's administration they enjoyed a peace with their savage neighbours of which the benefit descended to the English. When Colonel Nichols assumed the government of New York, he entered into a friendly treaty with the Five Nations ; which, however, till the arrival of Dongan, was productive of no farther connection than an extensive commercial intercourse, in which the Indians supplied the English with peltry in return for arms and ammunition, of the use of which, as long as they were

not employed against themselves, the colonists were entirely, and, as it is proved, unfortunately, regardless. The Indians adhered to the treaty with strict fidelity, but always evinced a jealous pride in punctiliously exacting the demonstrations of ceremonious respect due to an independent people; and, in particular, when any of their forces had occasion to pass near the English forts, they expected to be saluted with military honors. In the mean time the French Canadians were not remiss in availing themselves of their deliverance from the hostilities of these formidable Indians. They extended their settlements along the river St. Lawrence, and, in the year 1672, built Fort Frontignac on its northwest bank, where, devolving from the parent lake of Ontario, it commences its rapid and majestic course. With a policy proportioned to the vigor of their advances, they filled the Indian settlements with missionaries, whose active and successful exertions multiplied converts to the faith and allies to the interest of their countrymen.

The praying Indians, as the French termed their converts, were either neutral, or, more frequently, their auxiliaries in war. The Jesuits preached not to their Indian auditors the doctrines that most deeply wound the pride of human nature, nor a system of pure, austere morality, which the conduct of the great mass of its nominal votaries practically disowns and disgraces. They required of their converts but a superficial change, — the adoption of one form of superstition in place of another;<sup>1</sup> and they captivated their senses and impressed their imaginations by a ceremonial at once picturesque and mysterious. Yet as, from the weakness and imperfection of man, an admixture of error is inseparable from the purest system of Christian doctrine, so, from the overruling goodness of God, a ray of truth

<sup>1</sup> There is preserved in Neal's *New England* a specimen of the French *Missionary Catechism*, containing a tissue of most absurd and childish fictions gravely propounded as the articles of Christian doctrine. The following anecdote is related by Colden. "About the time of the conclusion of the peace of Ryswick, Therouet, a noted Indian sachem, died at Montreal. The French gave him Christian burial in a pompous manner; the priest that attended him at his death having declared that he died a true Christian. For (said the priest) while I explained to him the passion of our Saviour, whom the Jews crucified, he cried out, 'O, had I been there, I would have revenged his death, and brought away their scalps!'" "Some of the Iroquois," says Loskiel, about fifty years afterwards, "having been baptized by Romish priests, wore beads and crucifixes, which they considered merely as additions to their Indian finery."



is found to pervade even the most corrupted. And the instructions of the Jesuits, from which the lineaments of Christianity, though disfigured by meretricious additament, were by no means obliterated, may have contributed, in some instances, to form the divine image in the minds of the Indians ; and the seed of heavenly truth, unchoked by the tares of human error, may in some places have yielded a holy and happy increase.<sup>1</sup> The moral and domestic precepts contained in the Scriptures were frequently communicated with success and advantage ; and various congregations of Indian converts were persuaded by the Jesuits to build villages in Canada in the style exemplified by the French colonists ; to adopt European husbandry, and to renounce spirituous liquors.<sup>2</sup> The visible separation of the Catholic priests from the general family of mankind, by renunciation of conjugal and parental ties, gave an awful sacredness to their character, and a strong prevailing power to their addresses. In the discharge of what they conceived their duty, their courage and perseverance were equalled only by their address and activity. They had already compassed sea and land to make proselytes ; and the threats of death and torture could not deter them from persisting to discharge what they regarded as a divine commission. Many of them, though commanded to depart, persisted in remaining among tribes that were at war with their countrymen ; and some of them, from regard to the apostolical example of becoming *all things to all men*, embraced Indian habits of living. One of these last established himself so firmly in the affections of a tribe of the Five Nations, that, although they continued faithful to the national enmity against the French, they adopted him as a brother, and elected him a sachem. With such industry, resolution, and insinuation did the French Jesuits exert themselves to recommend their faith and the interests of their country to the

<sup>1</sup> A number of the Indian converts of the Jesuits became themselves missionaries to their countrymen ; and several of them fell martyrs to their zeal, which had prompted them to attempt the conversion of tribes the enemies of their own. These martyrs died with the usual fortitude of their race ; but they superadded to it a mildness and charity of demeanour and sentiment, which their murderers regarded with surprise, and ascribed to some magical influence exercised upon them by the rite of baptism. Charlevoix's *Travels*.

<sup>2</sup> Their strict adherence to this difficult renunciation was remarked by a philosophic traveller in the year 1749. Kalm's *Travels*.

favor of the Indians. The French laity, also, and especially their civil and military officers and soldiery, succeeded better than the generality of the English in conciliating the good graces of the savages. French vanity was productive of more politeness and accommodation<sup>1</sup> than English pride; and even the displeasure which the French sometimes excited by commission of injuries was less galling than the affronts which the English too frequently inflicted by a display of insolence. The firm, unyielding character of the English was best fitted to contend with the obstructions of physical nature; the pliancy and vivacity of the French, to prevail over the jealousy of the natives. There were as yet no Protestant missions in this quarter of America, which, in the following century, some New England clergymen, aided by a religious society in Scotland, and certain members of the Moravian brotherhood who emigrated from Germany, were destined to illustrate by memorable exertions of missionary labor.

Colonel Dongan, who was not encumbered, like his official predecessors, with a monopoly of all the functions of government, nor involved in collisions with popular discontent, had leisure for a considerate survey of the state of his countrymen's relations with the Indians, and very soon discovered that the peace which was so advantageous to the French Canadian colonists, by enabling them to extend their forts and their commerce over a wide extent of country, was attended with injurious consequences to some of the colonies of Britain, and threatened danger to them all. The Five Nations, inflamed with martial ardor, and finding a pretext for its gratification in the recollection of insults they had received from various quarters in the season of their adverse fortune, turned their

<sup>1</sup> A curious instance of the complaisance of this people is related by Oldmixon, in his account of a tribe of savages who were greatly charmed with the good breeding of the French, in always appearing stark naked at their mutual conferences. Charlevoix boasts that the French are the only European people who have ever succeeded in rendering themselves agreeable to the Indians; and yet he himself has preserved a letter from Senonville, the governor of Canada in 1685, to Louis the Fourteenth, declaring that every attempt to approximate the two races, by intermarriage or otherwise, had issued in degrading the civilized, instead of elevating the savage people.

The excellent historian of the *Moravian Missions in America* observes, that "the French seem to possess the greatest share of the good-will of the Indians, by easily entering into the Indian manner of living, and appearing always good-humored." Loskiel.

arms southward, and conquered the whole country from the Mississippi to the borders of Carolina ; exterminating numerous tribes and nations in their destructive progress. Many of the Indian allies of Virginia and Maryland sustained their attacks ; and these colonies themselves were frequently compelled to take arms, both in defence of their allies and in defence of their own people, against allies incensed and alienated by discovering that their invaders derived the means of annoying them from the English at New York. But this year [July, 1684], Colonel Dongan, in conjunction with Lord Effingham, the governor of Virginia, concluded with the Five Nations a definitive treaty of peace, embracing all the English settlements and all tribes in alliance with them. Hatchets, corresponding to the numbers of the English colonies, were solemnly buried in the ground ; and the arms of the Duke of York, as the acknowledged supreme head of the English and Indian confederacy, were suspended along the frontiers of the territories of the Five Nations.<sup>1</sup> For this treaty the Five Nations long continued to demonstrate an inviolable respect ; and their fidelity to its engagements was speedily promoted by a renewal of hostilities between them and their ancient enemies, the French. It was at this time that the merchants of New York first adventured on the great lakes to the westward, hoping to participate in the fur trade, which the French were pursuing with much profit in this direction, and which they endeavoured to guard from invasion by prepossessing the Indians against the English, and by every artifice that seemed likely to obstruct the advances of their rivals. Dongan, perceiving the disadvantages to which his countrymen were exposed, solicited the English ministry to take measures for preventing the French colonists from navigating the lakes which belonged to the Five Nations, and, consequently, as he apprehended, to England. But, in answer to his application, he was admonished that it was preposterous to expect that France would command her

<sup>1</sup> When this treaty was renewed, some years after, the sachem who acted as orator for the Indians thus addressed the provincial envoys : — “ We make fast the roots of the tree of peace and tranquillity, which is planted in this place. Its roots extend as far as the utmost of your colonies : if the French should come to shake this tree, we would feel it by the motion of its roots, which extend into our country.” Colden.



subjects to desist from a lucrative commerce, for the benefit of their rivals ; and he was directed rather by acts of liberality and courtesy to encourage the Indians to retain their adherence to England, and to induce all the tribes, from regard to their own interest, to trade with the English in preference to the French ; observing withal such prudence as might prevent offence to European neighbours.<sup>1</sup> So far were these views from being accomplished, that from this time there commenced a series of disputes between the two nations, which for the greater part of a century engaged them in continual wars and hostile intrigues, that threatened the destruction of their colonial settlements, cost the lives of many of the European colonists, and wasted the blood and promoted the barbarism of those unfortunate Indians who were involved in the vortex of their hostility.

On the death of Charles the Second [1685], the Duke of York ascended his brother's throne ; and the province of which he had been the proprietary devolved, with all its dependencies, on the British crown. The people of New York received with improvident exultation the account of their proprietary's advancement to royalty, and proclaimed him as their monarch with the liveliest demonstrations of attachment and respect. They had been for some time past soliciting with much eagerness a formal grant of the constitution that was now practically established among them ; and the duke had promised to gratify them in this particular, and actually proceeded so far as to sign a patent in conformity with their wishes, which, at his accession to the throne, required only some trivial solemnity to render it complete and irrevocable. But James, though he could not pretend to forget, was not ashamed to violate, as king of England, the promise which he had made when Duke of York ; and a cool and unblushing refusal was returned to the renewed solicitations of the inhabitants of the province. Determined to establish the same arbitrary system in New York which he designed for New England, — so far from conferring new immunities, he withdrew what had been formerly conceded. In the second year of his reign he invested Don-

<sup>1</sup> Charlevoix. Colden. Smith. Kalm's *Travels*. Chalmers.

gan with a new commission, empowering him, with consent of a council, to enact laws and impose taxes ; and commanding him to suffer *no printing-press to exist*.<sup>1</sup> Though he now appointed Andros to administer the government of New England [June, 1686], he paused awhile before he ventured to restore the authority of this obnoxious governor in New York. But the people beheld in the appointment of Andros to govern the provinces in their neighbourhood an additional token of their prince's character and of their own danger, and with impatient discontent<sup>2</sup> endured a yoke which they were unable to break, and which they were prevented from exhibiting to public odium and English sympathy through the medium of the press.

Dongan, having been a soldier all his life, was fitted rather by habit to regard with indifference, than by disposition to conduct with rigor, a system of arbitrary government ; and, accordingly, the remainder of his administration, though less favorable to his popularity, was not discreditable to his character, and continued to disclose the same moderation and the same regard to the public weal which its outset had demonstrated. Though himself a Roman Catholic, he beheld with alarm, and resisted with energy, the intrusion of the French priests into the settlements of the Five Nations ; and even when his bigoted master was persuaded by the court of France to command him to desist from thus obstructing the progress of the Catholic church, he continued nevertheless to warn the Indians that the admission of the Jesuits among them would prove fatal to their own interests and to their friendship with the English. He still insisted that the French should not treat with the Indian allies of New York without his privity and intervention ; but the French court again employed its influence with his master ; and Dongan consequently received orders to depart from this pretension. The Five Nations, however, seemed more likely to need the assistance of his forces than the suggestions of his policy. Their untutored sagacity had long perceived, what the ministers of the court of England were not skilful enough to

<sup>1</sup> Holmes. Chalmers.

<sup>2</sup> So great was the change produced in the sentiments of the colonists by this change of treatment, that we find Dongan this year, in his letters to the English court, complaining of their increasing numbers and turbulent disposition. *State Papers, apud Chalmers.*

discern, that the extensive projects of France both threatened themselves with subjugation, and portended a serious injury to the English colonies, in the diminution of their trade and the removal of the barrier that still separated them from the rival settlement of Canada. The treaty, that excluded the Five Nations from hostile expeditions against the more distant tribes allied to the other English colonies, gave them leisure to attend with less distraction to their nearer interests ; and finding themselves inconvenienced by the supplies which their numerous enemies derived from the French, they had of late pretended a right to consider this as a hostile act which they were entitled to chastise and resist ; and, in conformity with this view, attacked all the Canadian traders whom they encountered in the act of transporting military stores to any tribe with whom they were at war. The French, under the conduct of two successive governors, De la Barre and Senonville, vainly endeavoured, partly by negotiation and partly by force, to divert the Indians from operations so injurious to their commerce, their reputation, and their political designs ; when Dongan, perceiving that a war would probably ensue between the rivals and the allies of his countrymen, prevailed by the most urgent entreaties on the English court to authorize him to assist the Five Nations in the contest that menaced them. But the French ministers, gaining information of this proceeding, hastened to counteract it by a repetition of artifices which again proved successful. They had already more than once, by their hypocrisy and cunning, successfully practised on the sincere bigotry of the English king ; and they had now the address to conclude with him *a treaty of neutrality for America* [Nov., 1686], by which it was stipulated that neither party should give assistance to Indian tribes at war with the other. Armed with so many advantages, the French authorities in Canada resumed with increased vigor their endeavours to chastise by force, or debauch by intrigue, the Indian tribes who preferred the English alliance to theirs ; while Dongan was compelled to sacrifice the honor of his country to the erring policy of his master, and to abandon her allies to the hostility, and her barrier to the violation, of an insidious and enterprising rival. He could not, indeed, divest himself of the



interest he had conceived in the fortunes of the Five Nations, and seized every opportunity of imparting to them advice no less prudent than humane, respecting the conduct of their enterprises and the treatment of their prisoners. But his inability to fulfil former engagements and afford additional aid greatly detracted from the efficacy of his counsel. Though the remonstrances of Dongan enabled the ministers of James to discover, in the following year [1687], that the treaty of neutrality for America was prejudicial to the interests of England, it was impossible to prevent the king from renewing, in the close of the same year, that impolitic arrangement with France.

But the king had no intention of relinquishing his empire in America; and his mind, though strongly tinctured with bigotry, was not totally irrespective of political views; though he seems rarely to have mingled these considerations together. As his bigotry had prompted him to deliver up the Indians to the French, his policy now suggested the measure of compacting all his northern colonies under one frame of government for their more effectual defence. To this design, assuredly, he was at least as strongly prompted by the desire of facilitating the exercise of his own prerogative in the colonies, as by concern for the safety of their inhabitants. As the scheme he had formed included New York, and as he thought the people of this province now sufficiently prepared to abide the extremity of his will, he indulged the more readily the sentiments of displeasure that Dongan had excited by obstructing the French Jesuits, which was a theme of continual complaint from the court of France. The commission of this meritorious officer was accordingly superseded by a royal command to deliver up his charge to Sir Edmund Andros [April, 1688]; and New York not only reverted to the dominion of its ancient tyrant, but beheld its existence as a separate province practically merged in its annexation to the government of New England. Andros remained at Boston as the metropolis of his jurisdiction, committing the domestic administration of New York to Nicholson, his lieutenant-governor; and though, by the vigor of his remonstrances, and his reputation for ability, he compelled the French to suspend some encroachments which they

were making or threatening to make on the English territories, he could lend no assistance to the Five Nations in the hostilities that were now carried on between them and that people with a mutual fury and ferocity that seemed to obliterate the distinction between civilized and savage men. The people of New York, deprived of their liberties, and mortified by their annexation to New England, felt themselves additionally aggrieved by the policy which compelled them to stand aloof and behold the fate of allies whom they had engaged to assist, together with their own most important interests, suspended on the issue of a contest in which they were not suffered to take a share; while, at the same time, their countrymen in the eastern part of New England were harassed by a dangerous Indian war ascribed on strong reasons to the intrigues of the French.<sup>1</sup> But, though deserted by the English, the Five Nations maintained the struggle with an energy that promised the preservation of their independence, and, finally, with a success that excited hopes even of the subjugation of their civilized adversaries. Undertaking an expedition against Montreal, they conducted their march with such rapidity and secrecy as to surprise the French in almost unguarded security. [July, 1688.] The suddenness and fury of their attack proved irresistible. They sacked the town, wasted the neighbouring plantations, put a thousand of the French to the sword, and carried away a number of prisoners whom they burned alive; returning to their friends with the loss of only three of their own number. It was now that the disadvantage arising from the neutrality of the English was most sensibly felt, in the cruelties with which the Indians stained the triumphs they obtained, and which the influence of a humane ally might have contributed to moderate,<sup>2</sup> and also in the inability of the savages to improve their victories into lasting conquest. They strained every nerve, indeed, to follow up their advantage, and, shortly after the sack

<sup>1</sup> See *ante*, Book II., Chap. V.

<sup>2</sup> The conduct which we have already witnessed in some of the Indian allies of the New England States, in the wars which they jointly carried on, may seem to render this a vain speculation. But the Five Nations were a far more reasonable and intelligent race of men than the Pequods and Narragansets. Colonel Dongan, whom they greatly loved and respected (Colden), might have mollified their hostilities by his example, as he frequently, and not altogether ineffectually, attempted to do by his counsels.

of Montreal, were enabled to occupy the fort at Lake Ontario, which the garrison in a panic abandoned to them ; and being now reinforced by the desertion of numerous Indian allies of the French, they reduced the remaining possessions of this people in Canada to a state of the utmost terror and distress. Nothing could have saved the French from total destruction, but the ignorance which disabled the Indians from laying siege effectually to fortified places ; and it was manifest to every intelligent observer that a single vigorous act of interposition by the English colonists would have sufficed to terminate forever the rivalry of France and England in this quarter of the world.<sup>1</sup>

In the midst of a contest which the French and the Indians thus prolonged by indecisive hostilities, a scene of civil war and revolution was gradually evolved at New York. [1689.] A deep and increasing disaffection to the government prevailed there among all ranks of men ; and as the general discontents of late had been plainly gathering to a head, some violent crisis was fearfully anticipated ; and perhaps was suspended by divisions in sentiment, arising from the different aspects in which the state of public affairs presented itself to different minds. To the wealthy and the discerning the privation of liberty and the political degradation of the province appeared with justice the only public grievances which they had occasion to deplore, or were interested to remove. But an outrageous dread of *popery* had invaded the minds of the lower classes of people, and not only diminished real and substantial evils in their esteem, but nearly extinguished common sense in their understandings and common justice in their sentiments. The king's well known bigotry, his attempts to introduce the Romish faith and church into England, and the protection which he extended to the operations of the French Jesuits among the Indians, had inculcated this additional apprehension on their irritated minds ; and the servile apostasy of some of the officers of government at New York, who endeavoured to court royal favor by professing to adopt the king's religious faith, appeared strongly to confirm it. Some angry feelings that

<sup>1</sup> Oldmixon. Colden. Coxe's *Carolana*. Smith. Chalmers.



had been excited in the commencement of Colonel Dongan's administration were now suddenly reawakened from slumber, to augment and diversify the prevailing ferments. At that period, notwithstanding the exertions of a former governor to adjust the boundaries of property in Long Island, a variety of disputes on this subject prevailed in the same quarter between different individuals and different townships ; and on Dongan had devolved the thankless office of adjusting these controversies by judgments, which could hardly fail to engender some enmity against himself. In such cases it too commonly happens that the arbitrator, seeking to gratify both parties, disappoints them both, and is taxed on all sides with partiality ; or that, studying only to administer strict justice, he excites extreme discontent in those whom his award both deprives of the property they had hoped to keep or gain, and stigmatizes as unjust or unreasonable in their pretensions. Most men possess sufficient ingenuity to supply them with plausible reasons for imputing the disappointment of their expectations to the dishonesty of those who obstruct or withhold them ; and defeated litigants have in all ages been noted for the vehemence and acrimony of their spleen. A great many persons who accounted themselves wronged by Dongan's decrees made no scruple to impute their disappointments to the darkness and obliquity of his *popish* understanding. They conceived a violent jealousy of popish designs, which the recollection of their fancied wrongs preserved unimpaired either by the lapse of time or by the moderate and equitable strain of Dongan's administration. The rancorous sentiments harboured by these persons were revived and inflamed by recent events and appearances ; the apostasy of some of the public officers confirmed their apprehensions of popery ; and the painful stroke inflicted by the establishment of civil tyranny was chiefly felt by them as aggravating the smart of a former and totally different injury. This class of persons esteemed *popery* the most terrible feature in the aspect of the times, and their own disappointments the most signal exemplifications of popish wickedness ; and considered these as by far the fittest considerations to unite the general resentment and justify its vindictive reaction.

While the minds of men were thus agitated by common discontent, but restrained from cordial union by difference of opinion and variety of apprehension, the public expectation was still farther aroused by intelligence from Europe of the invasion of England by the Prince of Orange, and by sympathy with the swelling scene which was in progress in the parent state. Yet no commotion had arisen, when the important tidings arrived of the accession of William and Mary to the throne of England [May, 1689], and of the successful insurrection at Boston which terminated the government of Andros. Even the contagious ferment excited by this last intelligence might have subsided without producing an explosion of popular violence, if the conduct of the local authorities of New York had not indicated an intention to resist, or at least a hesitation to comply with, the general revolution of the empire. Nicholson, the lieutenant-governor, and his council, not only refrained from proclaiming William and Mary, but despatched a letter to Governor Bradstreet, at Boston, commanding, with haughty menace, the immediate release of Andros, and the chastisement of the *insurrectionary rabble* who had presumed to put him in confinement. Notwithstanding this demonstration of opposition to the Revolution, the more prudent and considerate citizens of New York clearly perceived that their local government must follow the fate of the rest of the empire, and were disposed calmly to await the spontaneous submission of Nicholson and his council to William and Mary, or the arrival of orders or help from Britain to reduce them. But the impatience of a numerous body of the people, and especially of those who were panic-struck with the terrors of *popery*, could not abide this tedious issue, and was inflamed by the apprehension of some notable stroke of craft from Nicholson and his associates in office.<sup>1</sup>

<sup>1</sup> Thucydides thus characterizes the conduct of the populace in one of the revolutions of Coreyra:—"Such as had the least wit had the best success; for both their own defect and the subtlety of their adversaries putting them into a great fear to be overcome in words, or at least in pre-insidiation, by their enemies' great craft, they therefore went roundly to work with them with deeds." Book III., Hobbes's translation. Hobbes's own summary of this passage and the context is,— "In seditions and confusion, they that distrust their wits suddenly use their hands and defeat the stratagems of the more subtle sort."

This party found a chief in Jacob Leisler, a man of eager, headlong temper, endowed with much plebeian prate, inordinate vanity, and a very shallow capacity ; whose blazing zeal against popery, and former ill-treatment by Andros, seemed to designate him the proper leader of the opposition to the political and religious enemies of the province. He had already committed the first act of resistance, by refusing to pay customs for some imported goods, alleging that the collector was a Papist, and that there was no legitimate government in the colony. Nicholson having begun to make preparations for defending the city against a foreign invasion, and summoned the trained bands to garrison the fort,—a report was circulated that the Papists were preparing to massacre the Protestants [June, 1689] ; and Leisler, who commanded a company of the trained bands, instantly marched at the head of a detachment of this body, and, gaining possession of the fort, assumed the command of it in defence of the *Protestant cause*, and in attendance on the orders of the king and queen of England. The precautions of the late monarch had withdrawn from the popular leaders the means of publishing and propagating their sentiments by the agency of the press ; but a written declaration was subscribed by Leisler and his followers, signifying, that, although they had endured much ill usage from “ a *wicked popish* governor, Dongan,” they would have patiently awaited redress from England, if the violence and oppression of Nicholson and the schemes of the Papists had not forced them to take arms and secure the fort, which they were ready to deliver up to any Protestant officer whom the king and queen might depute to command it. Leisler, finding that he was not joined by any persons of consideration in the province, despatched a messenger to King William, and, by dint of negotiations with Massachusetts and Connecticut, persuaded the revolutionary leaders in these colonies to countenance his enterprise. But a report arising that an English fleet was approaching to assist the insurgents, their cause was forthwith embraced by all classes of people in New York ; and Nicholson, apprehensive of sharing the treatment of Andros, fled to England. Unfortunately for Leisler, the command, which priority of resistance and the favor of the lower classes enabled him to acquire, his



natural temper equally prompted him to retain, though surrounded by men who dreaded his precipitancy and reluctantly submitted to his elevation. These new associates had influence enough to cause a second proclamation to be issued, in which the unworthy censure on Dongan was omitted, and no stipulation whatever inserted as to the creed of the royal officer to whom the fort would be surrendered.

It had been happy for all parties, if the jealousy of Leisler's rivals had been satisfied with this wise and moderate control over his measures. But Courtlandt, the mayor of the city, Colonel Bayard, Major Schuyler, and several other persons of consideration, unable to brook the ascendancy of a man whose birth and parts were inferior to their own, retired to Albany, and, seizing the fort there, declared that they held it for King William, and disclaimed all connection with Leisler. Each party now professed adherence to the same sovereign, and denounced the other as rebels to his authority. Leisler, though intrusted by the militia with the sole command of the province, judged it prudent to associate some respectable citizens with himself in the administration of his perilous functions. Having fortified his own power by the appointment of a committee of safety at New York, he despatched his son-in-law, Milbourn, against the adverse faction at Albany. Courtlandt and his associates, burning with resentment, yet averse to shed blood in such a quarrel, were relieved from their perplexity by a hostile irruption of French and Indians [1690], which, by the desolation it inflicted on the surrounding country, either rendered their post untenable, or induced them to sacrifice their pretensions, for the purpose of enabling their countrymen to unite all the force of the province against the common enemy. Abandoning the fort to their rival, they took refuge in the neighbouring colonies; while Leisler, with rashly triumphant revenge, confiscated their estates. To add strength and reputation to his party, he summoned a convention of deputies from all the towns and districts to which his influence extended; and this assembly, in which two deputies from Connecticut were admitted to assist as advisers, published various regulations for the temporary government of the province. But these legislative ordinances, and especially the

financial impositions, were disputed by a powerful party among the colonists, whose indignation against Leisler was confined with difficulty to insults and menaces ; and many of the English inhabitants of Long Island, while they expressed a reluctant submission to his authority, privately applied to Connecticut, and solicited this province to annex their insular settlements to its jurisdiction.<sup>1</sup>

In this unhappy state of division and animosity the colonists of New York remained nearly two years, notwithstanding a revolution, which, by elevating the Stadtholder of Holland to the English throne, had promised to unite them together more firmly than ever. Happily, the quarrel exhibited no symptoms of national antipathy between the Dutch and English, who, without discrimination of races, embraced respectively the party to which their particular sentiments attached them ; and though a great deal of rage and malignity was engendered between the two factions, no blood was shed by either while their controversy lasted. But, unfortunately, the miseries of foreign war and hostile invasion were soon added to the calamity of internal discord. The condition of the French in Canada was suddenly raised from the depth of adversity by the arrival of a strong reinforcement from the parent state, under the command of a skilful and enterprising officer, the old Count de Frontignac, who now assumed the government of the French settlements, and quickly gave an altered complexion to the affairs of his countrymen. He set on foot a treaty with the Five Nations, and succeeded, meanwhile, in obtaining a suspension of their hostilities. War had already been declared between France and England ; and the dissensions among the inhabitants of New York seeming to invite an attack upon this province, he undertook to revive the drooping spirits of his people by improving the tempting opportunity of success. A numerous troop of French and Indians was accordingly collected, and despatched in the depth of winter against New York. By a strange coincidence, which seemed to have been decreed for the purpose of branding the French name in America with the blackest ingratitude and inhumanity, this party,

<sup>1</sup> Smith. Hutchinson. Trumbull. Chalmers.

like their predecessors in 1665, after wandering for twenty-two days through deserts rendered trackless by snow, approached the village of Schenectady, so travel-tainted, hunger-bitten, and benumbed with cold, that they proposed to surrender themselves to the inhabitants as prisoners of war. [February, 1690.] But, arriving at a late hour on an inclement night, and learning from the messengers whom they had sent forward to tender their submission, that the inhabitants were all in bed, without even the precaution of a public watch, they exchanged the design of imploring mercy to themselves for a plan of nocturnal attack and massacre of the defenceless people to whose charity their own countrymen had once been so highly indebted. This ungrateful and sanguinary purpose was executed with barbarous alacrity ; and the scene which ensued must be acknowledged to afford one of the most loathsome and detestable pictures that have ever been exhibited of human cruelty and ferocity, inflamed by the dire and maddening contagion of frantic example. Dividing themselves into a number of parties, they set fire to the village in various places, and attacked the inhabitants with fatal advantage, when, alarmed by the conflagration, they endeavoured to escape from their burning houses. The exhausted strength of the French seemed to revive with the blaze of destruction, and their spirits to catch a fiery energy, and wild, ferocious glee, from the animated horror of the scene. Not only were all the male inhabitants they could reach put to death, but pregnant women were ripped up, and their unborn infants dashed against the walls of the houses. But either the delay occasioned by this elaborate barbarity, or the more merciful haste of the flames to announce the calamity to those who might still fly from the assassins, enabled many of the inhabitants to escape. The blood-thirsty efforts of the assailants were also somewhat impeded by a careful discrimination which they judged it expedient to exercise. Though unmindful of benefits, they were not regardless of policy ; and of a number of Mohawk Indians who were residing in the village, not one sustained an injury. Sixty persons perished in the massacre, and twenty-seven were taken prisoners. Of the fugitives who escaped half naked, and made their way through a storm of snow to Albany, twenty-five lost the use of



their limbs from the intensity of the frost. The French, having totally destroyed Schenectady, retired loaded with plunder from a place where it will probably be thought that even the celebrated contemporary atrocities of their countrymen in the Palatinate had been equalled, if not exceeded.

The destruction of Schenectady excited general consternation in the province of New York. Forces were quickly raised to repel or retort the hostility of the French ; and on the application of Leisler, the province of Connecticut sent a troop of auxiliaries to his aid. It was found difficult to persuade the Five Nations to join actively with allies who had once deserted them ; but they declared that no artifices of the French should ever prevail with them to adopt the quarrel or espouse the interest of an ancient enemy against an ancient friend. As the province of Massachusetts was severely harassed at the same time by Indian hostilities instigated and aided by Count Frontignac, a scheme was projected between the New England States and New York for a general invasion of Canada.<sup>1</sup> An expedition, commanded by Sir William Phipps, sailed from Boston against Quebec ; and the united forces of Connecticut and New York, under the command of General Winthrop, were to march against Montreal. But Leisler's son-in-law, Milbourn, who acted as commissary-general, had made such imperfect provision for the expedition, that, partly from this defect, and partly from the inability of the Indians to supply as many canoes as they were expected to furnish for crossing the rivers and lakes, the general was obliged to convoke a council of war, and, in conformity with the unanimous opinion of his officers, to order a retreat. [Sept., 1690.] The expedition against Quebec was equally unsuccessful. Leisler, transported with rage when he was informed of the retreat, caused Winthrop to be arrested ; but was instantly compelled by universal indignation to release him. Infatuated and rendered giddy by his dangerous elevation, this man began to display the unbuckled spirit that precedes and portends a fall. The government of Connecticut, incensed at the affront by which he revenged the fruit of his kinsman's incapacity on the ablest

<sup>1</sup> *Ante*, Book II., Chap. V.

officer and most respected inhabitant of their province, signified in very sharp terms their astonishment and displeasure at his presumption, and warned him that his own predicament demanded more than ordinary prudence and circumspection, and that he stood in urgent need of friends.<sup>1</sup>

Leisler, indeed, had reason to tremble. King William at first received his messenger with the most flattering encouragement, and admitted him to the honor of kissing his hand, in testimony of his satisfaction with the conduct of affairs at New York. But Nicholson, on his arrival in England, found means to gain the ear of the king, and instil into his mind a prejudice, of which the attainment of royalty rendered it extremely susceptible, against the insurgents both of Boston and New York. William returned thanks, indeed, to *the people* of New York, by Leisler's messenger, for their fidelity ; but in none of his communications with either Boston or New York did he recognize the governors whom the people had appointed ; and he demonstrated to the inhabitants of both those places how very lightly he regarded their complaints against Andros and Nicholson, by subsequently promoting these men to the government of others of the American provinces. He would, doubtless, have continued to keep New York and Massachusetts united under one political frame ; but plainly foreseeing that he must grant a charter to Massachusetts, and that he might hope to evade a similar concession to New York, which had never yet possessed this advantage, he consented to the separation which both desired, and in August, 1689, committed the separate government of this province to Colonel Sloughter. In consequence, however, of the embarrassed situation of his master's affairs in England, Sloughter did not arrive at New York till the second year after his appointment [March 19, 1691], and till Leisler and his partisans had enjoyed power so long that they were naturally unwilling, and exercised it with so much odium that they were exceedingly afraid, to resign it. Leisler seems to have hoped to the last that the king would either prolong his authority, or expressly sanction and reward his services ; and when he found himself no otherwise noticed than

<sup>1</sup> Smith. Trumbull. Sewell, *MS. Diary*, *apud* Holmes.

by a summons from Colonel Sloughter to deliver up the fort, he answered, in the language of folly and fury, that he would not surrender it, unless an order to this effect, under the king's own hand, were exhibited. Such a resolution it was, unfortunately, possible to express, though quite impracticable to maintain; and he only sealed his fate by this sally of despair, and furnished his enemies with a legal pretext to destroy him, which otherwise they would have found it no easy matter to adduce. The new governor's ears were now readily opened to all the charges that Leisler's enemies hastened to prefer against him; and although this ill-fated adventurer quickly abandoned the desperate purpose of retaining the fort, he was proclaimed a rebel, and committed to prison, with his kinsman Milbourn and various others of his adherents, on a charge of high treason.

Colonel Sloughter, having thus established his authority in the province, convoked an assembly [April, 1691], which voted addresses condemning the rebellious conduct of Leisler in holding out the fort against the governor. A general act of abrogation was decreed, rescinding not only all the regulations established by former royal governors and their councils, but even the laws enacted by the popular assembly in 1683, on the strange pretext, that, having been violated by the late king, they had ceased to be binding on the people. As some doubt was entertained, whether, in the absence of a provincial charter, the convocation of a representative assembly proceeded from the inherent right of the people or the mere grace of the king, a remarkable law declaratively adjudged that this and all the other liberties of Englishmen formed a part of the political birthright of the colonists; but this law was afterwards annulled by King William. Leisler and Milbourn were now brought to trial, for high treason, before Dudley, whom the king had recently appointed chief justice of New York, and who had previously been expelled from office at Boston by the same revolution to which the prisoners owed their recent elevation. From a tribunal thus occupied by an exasperated antagonist a favorable or even a candid appreciation of the conduct of the accused was not to be expected. Denying the competency of the tribunal and refusing to plead, they were



convicted, and received sentence of death. The governor, notwithstanding, shrunk from inflicting the doom of traitors on the two persons, who, of all the inhabitants, had first declared themselves in favor of his sovereign; and, shortly after the trial [May, 1691], wrote to the English ministers, desiring them to direct him in what manner the convicts should be disposed of; but he had hardly taken this step, when the renewed instances of their enemies induced him to alter his purpose, and issue the warrant of death, which was instantly carried into execution.<sup>1</sup> The adherents of Leisler and Milbourn, who had been much enraged at the sentence, were confounded with terror and astonishment when they beheld its fatal result, and began to fly in such numbers from the province, that it was judged expedient to pass in haste an act of general amnesty. Leisler's son complained to the king of the execution of his father and the confiscation of his property; and the privy council, pronouncing, that, although the trial and execution were legal, it was advisable, under the peculiar circumstances of the case, to restore the forfeited estate, this was all the grace that could for some time be obtained. But a compensation more honorable and satisfactory was awarded soon after; and, during the reign of the same king, the English parliament decreed a reversal of the provincial attainder. The passions, which Leisler's administration excited in one party, and which his execution communicated to the other, continued long to distract the public councils, and embitter the social intercourse of the inhabitants of New York.<sup>2</sup>

The most respectable circumstance of Slougher's short administration was a conference which he held with the chiefs of the Five Nations, who admitted that they had hearkened to the enticing overtures of the French, and so far relaxed

<sup>1</sup> "When no other measures could prevail with the governor, tradition informs us that a sumptuous feast was prepared, to which Colonel Slougher was invited. When his Excellency's reason was drowned in his cups, the entreaties of the company prevailed on him to sign the death-warrant, and before he recovered his senses the prisoners were executed." Smith. At their execution, Leisler and Milbourn confessed their errors, ascribing them to ignorance, jealous fear, rashness, and passion, and evinced great courage, composure, and piety. "I hope these eyes shall see our Lord Jesus in heaven," were the words of Leisler when the executioner bound a handkerchief round his face. Bancroft.

<sup>2</sup> Smith. Chalmers.

their hostile purposes against this people, as to entertain propositions for a lasting peace with them ; but now they willingly consented to *brighten*, as they termed it, *their ancient belt of friendship*, and to renew a league, offensive and defensive, with the English. “ We remember,” they declared, “ the deceit and treachery of the French ; the belt they have sent us is poison ; we spew it out of our mouths ; and are resolved to make war with them as long as we live.” On his return from this conference, a sudden death put a period to Slougher’s administration.<sup>1</sup> [July, 1691.]

To confirm the Indians in the purposes they now professed, and to animate by exercising their hostility against the French, Major Schuyler, who had acquired extraordinary influence with the Five Nations by his courage, good sense, and friendly attention to their interests, undertook, in the close of this year, an expedition against Montreal at the head of a considerable body of provincial and Indian forces. Though the invaders were finally compelled to retreat, the French sustained great loss in several encounters, and the spirit and animosity of the Five Nations were whetted to such a pitch, that, even when their allies retired, they continued during the winter to harass the enemy with incessant attacks. Count Frontignac, whose sprightly manners and energetic character supported the spirits of his countrymen under every reverse, was so provoked with what he deemed the ingratitude of the Five Nations for the forbearance shown to them at Schenectady, that, besides encouraging his own Indian allies to burn their prisoners alive, he himself condemned to a death still more dreadful two Mohawk warriors who fell into his hands. [1692.] In vain the French priests remonstrated against this sentence, and urged him not to bring so foul a stain on the Christian name ; the count declared that every other consideration must be postponed to the safety and defence of his people, and that he could not suffer the Indians to entertain the belief that they might practise the

<sup>1</sup> Colden. Smith. Of the language in which the Indians, when pressed by the French, applied for help to the governors of New York, the following, among other specimens, has been preserved by these writers. “ We speak to you now in the name of the Five Nations, and come to you howling. This is the reason why we howl,—that the governor of Canada encroaches on our lands,” &c.

extreme of cruelty on the French without risk of requital. If he had been merely actuated by politic considerations, without being stimulated by revenge, he might have plainly perceived; from the conduct of all the Indian tribes in their wars with each other, that the fear of retaliation had no efficacy whatever as a restraint upon their barbarous practices; which he now undertook to sanction as far as his example was capable of doing. The priests, finding that their humane intercession was unavailing, repaired to the prisoners, and labored to persuade them to embrace the Christian faith, as a preparation for the dreadful fate which men calling themselves Christians were prepared to inflict on them; but their instructions were rejected with scorn and derision, and they found the prisoners resolved to dignify by Indian sentiments and demeanour the Indian death they were doomed to undergo. Shortly before the execution, some Frenchman, less inhuman than his governor, threw a knife into the prison, — and one of the Mohawks despatched himself with it. The survivor, collecting his soul, and expressing contempt at his comrade's mean retreat from glory, walked to the scene of blood, vaunting, in his death-song, that he was a Mohawk warrior, — that all the power of man could not subdue his constancy, or extort an indecent expression of suffering from his lips, — and that it was ample consolation to him to reflect that he had caused many Frenchmen to undergo the same pangs which he was now himself prepared to endure. When attached to the stake, he looked round on his executioners, their instruments of torture, and the assembled multitude of spectators, with all the calmness and complacency of heroic fortitude; and after sustaining for some hours with composed mien, and retorting with proud language, a series of barbarities too horrible and disgusting to be recited, his sufferings were terminated by the intercession of a French lady, whose urgency prevailed with the governor to order the infliction of that mortal blow which human cruelty has entitled to the name of *coup de grace*, or stroke of *favor*.<sup>1</sup>

It was with great reluctance that King William surrendered to the American colonies any of the acquisitions which regal

<sup>1</sup> Colden. Smith.



authority derived from the tyrannical usurpations of his predecessors ; and his reign was signalized by various attempts to invade the popular rights which at first he had been compelled to respect or restore. He was informed by the English lawyers that he could not refuse to recognize the charter of Connecticut with all its ample privileges ; and he was baffled in his attempt to procure an act of parliament to annul it. But as New York, never having had a charter, was judged to be not legally entitled to demand one, he determined not only to withhold from it this advantage, but, through the medium of its undefined constitution, and the consequent absence of restriction on the authority with which he might invest its governor, to attempt an encroachment on the envied privileges of Connecticut.

Colonel Fletcher, a sordid, unprincipled man, of irascible disposition and narrow understanding, yet endowed with a considerable share of activity, was the governor who next arrived to represent the king at New York ;<sup>1</sup> and to him was intrusted the execution of the design that William entertained against the neighbouring colony. [August, 1692.] Happily for the liberties which he undertook to invade, this officer was more fitted by his temper to disclose, than by his capacity to conduct, a system of arbitrary and encroaching policy. By the commission which he now received from the crown, he was invested with plenary powers of commanding not merely the militia of New York, but all his Majesty's militia in the same quarter of America. His first step towards achieving this encroachment was to tender a commission from himself to Governor Trent, who already commanded the militia of Connecticut in conformity with the directions of the provincial charter ; and the reception of this, even in the light of a mere supererogatory confirmation, it was doubtless expected, would pave the way to a more distinct and complete establishment of the king's pretensions. But in the popular constitution of Connecticut, the offices of government were then filled by men, who, thoroughly appreciating the privileges they enjoyed, had

<sup>1</sup> He was appointed also governor of Pennsylvania by the king, who had deprived William Penn of his proprietary functions.

sense to discern, and spirit to resist, every attempt to violate them ; and the proffer of Fletcher's commission was not only flatly rejected, but made the subject of a vigorous remonstrance. Incensed at such contumacy, as he was pleased to regard it, Fletcher, with his usual impetuosity, repaired abruptly to Hartford [1693], and commanded the assembly of the State, who were convoked at the time, to place their militia forthwith under his orders. He even carried his insolence to the length of declaring that he would issue a proclamation inviting all persons who were for the king to join him, and denouncing all others as guilty of disloyalty and sedition. Finding his menacing injunctions received with calm but inflexible disregard, he presented himself with one of his council, Colonel Bayard, to the militia at their parade ; and, expecting that a royal warrant would find greater favor with the men than it had done with their civil rulers, he commanded Bayard to read his commission aloud, as an act of declaratory possession of the authority to which he pretended. But Captain Wadsworth, who was always ready to confront any danger that menaced the liberties of his country, and who had once before saved the charter of Connecticut from invasion,<sup>1</sup> now stood forward to prevent the privileges it conveyed from being abridged or insulted, and, commanding the drums to beat, effectually drowned the obnoxious accents. When Fletcher ventured to interpose, Wadsworth supported his orders with such an energy of determination, that the meaner spirit of his antagonist was completely outbraved and overmastered ; and seeing the countenances of all around kindling in sympathy with the patriot's fervor, he judged it prudent to consult his safety by a hasty return to New York. The king, with the view of covering this defeat, or of trying whether legal chicane could repair it, caused the matter to be submitted to the deliberation of the attorney and solicitor general of England ; and on their reporting without hesitation in favor of the plea of Connecticut, an order of council was passed in conformity with their opinion ; — as if the question had involved a mere local dispute between two provincial jurisdictions, in which the king, without any precog-

<sup>1</sup> *Ante*, Book II., Chap. V.

nition of its merits, was to exercise the dignified functions of supreme and impartial arbitrator.<sup>1</sup>

Fortunately for New York, the indiscretion of her governor was prevented from being so detrimental as it might otherwise have proved to her Indian interests, by the confidence he reposed in Major Schuyler, whose weighty influence was employed to preserve the affections and sustain the spirit of the Five Nations. Little or no assistance, indeed, was rendered by the provincial government to these allies ; and Frontignac, even while occupied with other hostilities in New England, was able by his vigor and activity to inflict on them a severe defeat. Stirred by this intelligence, Fletcher assembled the militia of New York, and abruptly demanded if any of them were willing to march to the aid of their allies against the French. The men threw up their hats in the air and answered warmly, " One and all." Their march was performed with a rapidity that highly gratified the Indians ; and though it produced no substantial advantage to them, it was so favorably regarded as a demonstration of promptitude to lend them assistance, that they were prevented from embracing Frontignac's offers of peace. They remarked, nevertheless, that it was too frequent with the English to defer their succour till it had become unavailing ; and that, while the whole power of France in America was concentrated in simultaneous efforts to maintain the French dominion, the English colonies acted with partial and divided operation, and Maryland and Delaware in particular (though the quarrel was said to be a national one) took no share in the hostilities at all.<sup>2</sup>

But the busy, yet contracted, spirit of Governor Fletcher was more frequently and strenuously exerted in contentions with the provincial legislature, than in succouring the Indians ; though it was to his services in this last particular that he owed what little popularity he enjoyed in the province. A bigot to the church of England, he labored incessantly to introduce a model of her establishment in New York, and naturally encountered

<sup>1</sup> Smith. Trumbull. In the commission from George the Second to Sir Danvers Osborn (recited at length by Smith), the command of the Connecticut militia was again conferred on the governor of New York.

<sup>2</sup> Colden. Smith.



much resistance to this project from the opposite predilections of the Dutch and other Presbyterian inhabitants. At length his efforts succeeded in procuring a bill to be carried through the lower house [September, 1693], or assembly of representatives, for placing and endowing ministers of religion in the several parishes : but when the council adjoined to the clause which gave the people the privilege of electing their own ministers a proviso that the governor should exercise the episcopal power of approving and collating the incumbents, this amendment was directly negatived by the assembly. The governor, exasperated at their opposition, called the members before him, and prorogued their session with a passionate harangue. "You take upon you," said he, "as if you were dictators. I sent down to you an amendment of but three or four words in that bill, which, though very immaterial, yet was positively denied. I must tell you, it seems very unmannerly. It is the sign of a stubborn ill-temper. You ought to consider that you have but a third share in the legislative power of the government ; and ought not to take all upon you, nor be so peremptory. You ought to let the council have a share. They are in the nature of the House of Lords or upper house ; but you seem to take the whole power in your hands, and set up for every thing. You have sat a long time to little purpose, and have been a great charge to the country. Ten shillings a day is a large allowance, and you punctually exact it. You have been always forward enough to pull down the fees of other ministers in the government. Why did not you think it expedient to correct your own to a more moderate allowance ?" The members of assembly endured the ebullitions of his violence and spleen with invincible patience ; but not the less firmly did they withstand his pretensions. In the following year [1694], their disputes were so frequent that all public business was interrupted ; and the governor, with policy more splenetic than deliberate, announced his intention of convoking the assembly no more. But though his own emoluments were secured by an act that established the public revenue for a series of years, the necessity of raising farther supplies to make presents to the Indians, and the arrival of a body of troops from Britain, obliged him to depart from his purpose. He was directed also by the king to lay before the

assembly an assignment which his Majesty had framed of the quotas<sup>1</sup> to be respectively contributed by the colonies for the maintenance of a force against the French. The assembly could not be persuaded to pay the slightest attention to this royal proposition. But they made a liberal grant of money for the support of the troops that had arrived, and added a present to the governor ; who now perceiving that the people of New York, though endowed with a spirit over which his insolence and passion could obtain no triumph, might yet be rendered subservient to his avarice, ceased to harass himself and them by farther pressing obnoxious schemes, and cultivated a good understanding with the assembly during the remainder of his administration. In the prosecution of this altered policy he was more successful than some other royal governors of the American provinces, whose remarkable unpopularity during many years of honest and praiseworthy exertion has excited surprise in those who have not examined with sufficient minuteness the whole of their official career. Like Fletcher, those officers were at first disposed to regard the provincial inhabitants as an inferior people, and commenced their administration with insolent, domineering carriage, and arbitrary pretensions ; like him, they learned wisdom from experience ; but before the lesson was taught, the opportunity of profitably applying it had been lost ; the people had ceased to be as tractable as in former days ; and the spirit of liberty, thoroughly exercised, had become prone to suspect encroachment, and prompt to repel as well as firm in resisting it. Their administration was embarrassed by the total want of public confidence, which, having once deservedly forfeited it, they found that even a complete change of measures was insufficient to regain. From ignorance or disregard of such considerations as these, it has been supposed, and plausibly maintained by many writers, that the executive government of the American provinces was obstructed by the factious obstinacy of a perverse and unreasonable people ; when, in truth, the governors were but

<sup>1</sup> The list of the respective quotas was as follows : —

Pennsylvania	£ 80	Rhode Island and Providence	£ 48
Massachusetts	350	Connecticut	120
Maryland	160	New York	200
Virginia	240		

This assignment was disregarded by every one of the colonies.

reaping what themselves and their predecessors had sown, and struggling with the just suspicions that their original misconduct had created. In all the provinces where either regal power was not circumscribed by charters, or where (as in Massachusetts) the nomination of the chief executive officer was by charter reserved to the crown, such were, not unfrequently, the proceedings of the British governors, and the complexion of their administrations ; and Britain, it must be confessed, by delegating authority to such men, and abetting such policy, took infinite pains to nourish and educate the spirit of liberty in those of her colonial dependencies, where it seemed least likely to attain a flourishing growth.

The remainder of Fletcher's administration was not distinguished by any domestic occurrence that deserves to be particularly commemorated. The war between the French and the Five Nations sometimes languished by the address of Frontignac's negotiations, and was oftener kindled into additional fury and havoc by his enterprise and activity. Neither age nor sickness could chill the ardor of this commander's spirit, or impair the resources of his capacity. On the threshold of his own fate,<sup>1</sup> and supported in a litter, he flew to every point of attack or defence, to animate the courage of his soldiers, and contemplate the execution of his plans. His own bodily infirmity had as little effect in mitigating his rigor as in diminishing his activity ; and, as their hostilities were prolonged, the French and the Indians seemed to be inspired with a mutual emulation of cruelty<sup>2</sup> in victory, no less than of prowess in battle. The prison-

<sup>1</sup> He died very soon after the restoration of peace by the treaty of Ryswick. Smith. "He was then," says Charlevoix, "seventy-eight years of age, and yet in full possession of the firmness and vivacity of his prime. He was esteemed by all, and beloved by almost all who approached him."

<sup>2</sup> In truth, this emulation was more than a mere semblance. On one occasion, a deliberate competition took place between the French and an Indian tribe in alliance with them, to ascertain which people could inflict the most ingenious cruelty on a Mohawk prisoner. Of the horrid tragedy that ensued I shall give no farther account than that the Indians greatly excelled their competitors, and threw the French into transports of laughter by the fantastic variety of the tortures they inflicted. The French soldiers appear to have been prompted to this brutality by mere revenge and ferocity. Their commander's object was to create irreconcilable enmity between a tribe newly allied to him and the Five Nations. Colden. But it was afterwards remarked, that Europeans, seduced by example into the imitation of savage practices, far transcended their teachers, and indulged Indian cruelty without any regard to the limits within which Indian principle confined it.



ers on both sides expired in tortures ; and the French, less prepared by education and physical habits for such extremities of suffering, endured a great deal more pain than they inflicted. [1696.] On one occasion, when Frontignac succeeded in capturing a Mohawk fort, he found it deserted of all its garrison except a sachem in extreme old age, who betrayed no symptom of trepidation ; but, seated with all the firmness and gravity of an ancient Roman in his capitol, saluted his civilized compeer in age and decrepitude with calm, unbending dignity. Every hand was instantly raised to wound his time-stricken frame ; and while French and Indian knives were plunged into his body, he contemptuously advised his Indian enemies rather to burn him with fire, in order that their French allies might learn, from his example, how to suffer like men. “Never, perhaps,” says Charlevoix, “was man treated with more cruelty ; nor ever did any endure it with superior magnanimity and resolution.”<sup>1</sup>

The governor of New York from time to time encouraged the Five Nations to persevere in the contest, by endeavouring to negotiate alliances between them and other tribes, and by sending them valuable presents of ammunition, and of the European com-

<sup>1</sup> Neither the French nor the Indians, however, slew all their prisoners. A great many remained to be exchanged at the end of the war ; and on this occasion it was remarked, that all the Indians returned with alacrity to their friends, but that in many cases it proved very difficult, and in some utterly impossible, to induce Frenchmen, who had lived a few years with the Indians and embraced their habits, to return to civilized life. This seems to increase the probability that the Indians are the degenerate descendants of civilized men. Civilization implies a virtuous conflict, barbarism a natural compliance, with temptation. The English found it no less difficult to prevail with their friends who had been taken prisoners by the French Indians, and lived for any considerable time with them, to return to New York ; “though no people enjoy more liberty, and live in greater plenty, than the common inhabitants of New York do.” Colden. The exercise of mercy by the Indians was no less rare in its occurrence than singular in its effects. For the captives whom they preserved they indulged a degree of tenderness very remote from the stoicism which they commonly affected ; and when obliged to surrender them, confessed the pain of the sacrifice by unwonted effusions of tears. See a description of the restoration of some of these prisoners in Dodsley’s *Annual Register* for 1765. The celebrated Mrs. Grant of Laggan, even while enjoying and adorning, in mature age, the refined happiness of civilized society and literary distinction, confessed, that, from her accidental intercourse in early youth with the Mohawk Indians, she had imbibed an attachment for these savages, and even for their mode of life, which no after circumstances had been able to counteract.

So many English prisoners have remained and married in the Indian settlements (says Professor Kalm), and so many French traders have spontaneously united themselves to the Indians, that the “Indian blood in Canada is very much mixed with European blood, and a great part of the Indians now living (1749) owe their origin to Europe.”

modities which they principally esteemed ; and their communications to him fluctuated between grateful acknowledgments of these occasional supplies, and angry complaints that he fought all his battles by the hands of the Indians. Indeed, except repelling some insignificant attacks of the French on the frontiers of the province, the English governor took no actual share in the war, and left the most important interests of his countrymen to be defended against the efforts of a skilful and inveterate foe, by the unaided valor of their Indian allies. The peace of Ryswick [September, 1697], which interrupted the hostilities of the French and English, threatened at first to be attended with fatal consequences to those allies to whose exertions the English were so highly indebted ; and if Fletcher had been permitted to continue longer in the government of New York, this result, no less dangerous than dishonorable to his countrymen, would most probably have ensued. A considerable part of the forces of Count Frontignac had been employed hitherto in warlike operations against Massachusetts and New Hampshire, in conjunction with the numerous Indian confederates of the French in that quarter. But the peace of Ryswick, of which he now received intelligence, enabled him to concentrate his whole disposable force against the only foe that remained to him ; and refusing to consider the Five Nations as identified with the English, he prepared to invade them with such an army as they never before had to cope with, and overwhelm them with a vengeance which they seemed incapable of resisting.

But Fletcher was now very seasonably succeeded by the Earl of Bellamont [April, 1698] in the government of New York and Massachusetts ; and this new governor, who was well endowed with both resolution and capacity, perceiving the danger and injustice of suffering the French to execute their design, promptly interposed to counteract it. He not only furnished the Five Nations with an ample supply of ammunition and military stores, but notified to Count Frontignac, that, if the French should presume to attack them, he would march with the whole forces of his province to their aid. The count thereupon abandoned his enterprise, and complained to his sovereign (Louis the Fourteenth) of the interruption it had received ; while Lord Bellamont, in like manner, apprized King William

of the step he had taken. The two monarchs commanded their respective delegates to lend assistance to each other, and exert a spirit of accommodation in making the peace effectual to both nations, and to leave all disputes concerning the dependency of the Indian tribes to the determination of commissioners who were to be named in pursuance of the treaty of Ryswick. Shortly after the reception of these mandates, a peace was concluded between the French and the Five Nations ; but not till English insolence and French address had nearly detached these tribes entirely from the alliance they had so steadily maintained, by leading them to believe that the English interposed in their concerns for no other reason than that they accounted them their vassals. The French endeavoured to take advantage of their ill-humor by pressing them to admit an establishment of Jesuits into their settlements. But although the Indians at first entertained the proposition, and listened with their usual gravity and politeness to the enticing harangue of a Jesuit who was deputed to support it,<sup>1</sup> their habitual sentiments soon prevailed over a transient discontent, and they declared their determination to adhere to the English, and to receive, instead of the French priests, a mission of Protestant pastors which Lord Bellamont engaged to introduce among them.<sup>2</sup>

Some abuses that prevailed, and some disorders that were apprehended at New York, had prompted King William to bestow the government of this province on Lord Bellamont, whom he justly deemed peculiarly well qualified, by the influence of his elevated rank, added to the firmness and integrity of his character, to correct the one and compose the other. Fletcher, the preceding governor, had proved a very unfaithful steward of the public revenue, and gratified his avarice and his partialities by unjust and exorbitant appropriations and grants of land. Lord Bellamont, after investigating the partic-

<sup>1</sup> See Note V. at the end of the volume.

<sup>2</sup> Smith. Colden. The fulfilment of the promise of sending Protestant pastors to the Five Nations seems to have been deferred till the year 1712, when one Andrews was sent among them by the English Society for propagating the Gospel. The Indians at first received him with joy, but peremptorily refused to suffer him to teach the English language to their children. After preaching and teaching among them, in the Indian tongue, for several years, he was universally forsaken by his auditors and scholars, and closed a fruitless mission in 1718. Humphrey's *Historical Account of the Society for propagating the Gospel*.



ulars of Fletcher's administration, openly denounced him as a corrupt and profligate magistrate ; and not only caused judicial proceedings to be instituted against him and the favorites whom he had enriched with a share of the public spoils, but at one time proposed to send him as a prisoner to undergo a criminal trial in England. The expense and difficulty of procuring what would be deemed requisite evidence by a judicial tribunal, together with other obstructions which commonly impede the success of schemes for accomplishing the exposure or compelling the restitution of official pillage, rendered these purposes and proceedings abortive.

An attempt to correct another abuse proved at first extremely unfortunate, and was attended with remarkable circumstances in its progress, and important consequences in England. The late war gave rise to a great deal of privateering, which in many instances degenerated into piracy ; and the evil was increased by the readiness with which James the Second, in his exile, granted commissions for naval service to adventurers adhering, or professing adherence, to his cause, and who preposterously hoped that these commissions would entitle their maritime robberies to be regarded as acts of legitimate warfare. From New York, in particular, many piratical cruisers were known to have sailed ; and, indeed, there was strong reason to suspect that Fletcher's hunger for gold had been too voracious to scruple the acceptance of it from the hands of those robbers as the price of his connivance at their depredations. Lord Bellamont, whom the king with especial urgency directed to adopt the most vigorous measures for the extirpation of this system (which he dreaded the more from its subservience to the intrigues of the exiled monarch), was advised by some imprudent or disingenuous counsellor to invite the assistance of one Kidd, who was represented to him as a man of honor and intrepidity, and acquainted with the persons and the haunts of the pirates. Kidd, being in England at the time, was introduced to Lord Bellamont by the person who so characterized him, and readily offered to undertake the suppression and apprehension of the pirates, if the king would grant him a commission for the purpose, and place at his disposal a fast-sailing frigate of thirty guns. The earl laid the proposal before the king, who was fully dispos-

ed to embrace any feasible plan for extirpating piracy : but some difficulties having been started by the admiralty, the scheme was dropped ; and, unfortunately for the reputation of all parties, a private adventure to be conducted by Kidd against the pirates was suggested in its stead, and finally embraced. The king himself was concerned in the enterprise, and had a tenth share of its eventual profits reserved to him ; and the Lord Chancellor (Somers), the Duke of Shrewsbury, the Earls of Romney and Oxford, Sir Edmund Harrison, and various other persons of distinction, were associated in the adventure as partners with their sovereign. Kidd received an ordinary commission from the crown as a privateer, with special directions from the royal and noble owners of his vessel to attack the pirates, and to hold himself directly responsible to Lord Bellamont. Embarking on this important enterprise, with so much illustrious character intrusted to his keeping, Kidd reached New York long before the arrival of Lord Bellamont, whose assumption of his government did not take place till more than two years after his nomination. No sooner had this nobleman landed at New York, than he learned, with the deepest confusion and resentment, that by his patronage of Kidd he had been accessory to an enormous aggravation of the evil which he desired to suppress, as well as to the dishonor of his king and of all the distinguished persons associated in the privateering adventure ; and that Kidd had already rendered himself more infamous and formidable than any other pirate that infested the seas, by the extent of his depredations and his reckless disregard of human life. Lord Bellamont exerted the utmost vigor to repair this unhappy error ; and having fortunately succeeded in apprehending Kidd at Boston [1699], where the pirate rashly supposed himself unknown, he wrote to the secretary of state, desiring that a warrant might be sent for transmitting this daring offender to England, where already considerable interest was excited in the public mind by the tidings of the freebooter's desperate enterprises, and by vague rumors of the assistance he had derived from the first personages in the realm. A ship of war was instantly despatched to convey the prisoner to London, and repel any attempt that might be made for his rescue ; but, unfortunately, the vessel was disabled on her passage, and obliged to return to port.

A strong suspicion now arose of collusion between Kidd and the royal ministers, who, it was supposed, were determined at all hazards to screen him, lest in his own defence he should discover their infamous confederacy. This suspicion was inflamed by the artifices of the Tory party, opposed to King William's government, who vehemently pressed a motion in the House of Commons, that all persons concerned in Kidd's adventure might be dismissed from public employment. Though their motion was rejected, they prevailed with the house to have Kidd examined at the bar, — when at length the exertions of the ministers and of Lord Bellamont to vindicate their characters had succeeded in bringing him to England; and though disappointed at first in their hope of obtaining any valuable disclosures from him, yet, either honestly suspecting what they professed to believe, or hoping that he would be induced to become an instrument of their purposes (which he discovered more inclination than ability to do), they endeavoured to have his trial deferred, and prevailed with the house to call him again to its bar, even after an address had been voted to the crown demanding that he should be remitted forthwith to an English jury. Kidd was brought to trial at the Old Bailey in the year 1701, and, totally failing either to criminate the ministers or to defend himself, was convicted, with several of his accomplices, of piracy and murder, and soon after underwent the just punishment of his crimes. The passionate violence of the Tory faction in England prevented this matter from proving as injurious as, more moderately handled, it would, and perhaps ought to, have been to Lord Bellamont and the Whig ministers of the king. Kidd's conduct previous to his employment as a privateer had been in reality such that a proper investigation of it should have exposed him to punishment, instead of recommending him to an important command. A charge derived from this gross and culpable neglect, and directed against all who had been concerned in procuring Kidd's commission, was introduced into the articles of impeachment preferred soon after by the Commons against Lord Somers. The character and conduct of the Earl of Bellamont were severely arraigned in this charge; though his recent death at New York prevented him from being included in the impeachment. But the managers of the prosecution as-



sociating the charge of culpable neglect with other weightier imputations which they were unable to prove, and involving themselves (purposely perhaps) in a dispute with the House of Lords, the impeachment ended in an acquittal, without producing a trial.<sup>1</sup>

The most formidable disorders that threatened the government and community of New York were portended by the increasing animosity of two powerful factions, consisting of the friends and the enemies of the unfortunate Leisler. The son of this man, incapable of forgetting or forgiving the tragical fate of his parent, had labored incessantly for the reëstablishment of his character ; having obtained, by the assistance of the province of Massachusetts (where the enemies of Leisler, and especially Dudley, who had condemned him, were the objects of general aversion), an act of parliament to reverse the attainder of his father, and now proceeding, with every likelihood of success, to urge a claim for retribution of his family's sufferings and losses, he elevated the spirits of his partisans in New York by the hope of a triumph so humiliating to their adversaries. The mutual animosity of the two factions was excited to such a degree by the occurrence and the prospect of fresh opportunities of its indulgence, that the conduct of public business began to be seriously obstructed by their intrigues and collisions ; and in the very first assembly that Lord Bellamont convoked at New York, — except a unanimous address of thanks to him for his speech on the state of the province, — there was scarcely a single measure proposed, in which the members of assembly found it possible to agree. The character and manners of Lord Bellamont were happily adapted to compose these dissensions ; a task, which, perhaps, if his administration had proved more durable, he would have wisely attempted and successfully accomplished ; but, unfortunately, the circumstances in which he found himself placed, on his first arrival at New York, and the line of conduct which he was thereby prompted to pursue, tended rather to inflame than to mitigate the evil. His just displeasure against Fletcher, aggravated by the discovery of that profligate governor's encour-

<sup>1</sup> Smith. Smollett's *History of England*. Howell's *State Trials*.

agement of the pirates, at first extended itself to every person who had held office along with him; or been distinguished by any share of his intimacy or regard; and as in this class were comprehended the principal adversaries of Leisler and his party, the spirits of this party were additionally revived, and their numbers augmented by the prospect of victorious supremacy. Young Leisler's solicitations in England eventually prevailed so far that a letter was addressed by the secretary of state to Lord Bellamont [February, 1700], announcing, that his Majesty, from "a gracious sense of the father's services and sufferings," desired that the son's claims of indemnification might be entertained by the general assembly of New York. No sooner was the royal letter laid before the assembly, of which a great majority now consisted of the friends of young Leisler, than a resolution was passed, appointing the sum of one thousand pounds to be levied on the province for his behoof.<sup>1</sup>

Lord Bellamont had now obtained a complete acquaintance with the circumstances and condition of New York; and the resentment and disturbance he had suffered from the piratical transactions in which his own and his sovereign's honor were so deeply involved might reasonably be supposed to have subsided. But the influence which his good sense and moderation were expected to produce in assuaging the angry factions existing within his presidency was intercepted by his unexpected death, in the beginning of the year 1701. This event was attended with the most unhappy consequences. The faction that had appeared likely to be defeated received intelligence, that Lord Cornbury, who was expected soon to arrive as the successor of Bellamont, was prepossessed in their favor, because they were accounted partisans of the church of England, and began already to anticipate a favorable change in their relations with the adverse party; while this party, at the head of which

<sup>1</sup> This year, no fewer than a thousand Scottish fugitives from the unfortunate and ill-used Scottish colony of Darien arrived at New York in various ships, during the absence of Lord Bellamont at Boston. Nanfan, the lieutenant-governor, in conformity with instructions from England, refused even the slightest relief or assistance to these unhappy adventurers. Oldmixon (2d edit.). Two years before, the royal governors of New York and New England had issued proclamations, forbidding all correspondence with, or assistance to, the Scottish colony. Holmes.

was Nanfan, the lieutenant-governor, made haste to exert their power with an energy enhanced by the probable shortness of its duration. Strenuous efforts were made by both to increase their strength in the assembly ; and furious disputes were engendered by the theoretical respect which both professed for the same constitutional principles, by the practical respect which each accordingly required for these principles from their adversaries, and by the practical disregard of them into which both were hurried by the violence of their passions. The party opposed to Leisler's friends, being generally defeated in these contests, vented their indignation in complaints of their adversaries to the king, the parliament, and, above all, to Lord Cornbury, on whose favor their hopes of victory and vengeance now mainly depended. Colonel Bayard, in particular, having promoted certain addresses [1702] in which the most scandalous charges of bribery, public plunder, and oppression were preferred against the lieutenant-governor, the chief-justice (for Dudley had ceased to hold this office), and the assembly, was committed to prison as a traitor, by Nanfan, in conformity with a law which Bayard and his friends had procured to be enacted in 1691, to curb their own adversaries, and which subjected to the pains of treason every person endeavouring, *by force of arms, or otherwise*, to disturb the peace, welfare, and quiet of the king's government. Though the attorney-general of New York delivered in writing his solemn opinion that the addresses contained nothing criminal or illegal, Nanfan, finding the solicitor-general differently minded, urged on the prosecution ; and, after a trial more fair, perhaps, than in such a state of public feeling could have been reasonably expected, Bayard was dragged to the brink of the pit which he himself had dug for others, by a verdict of guilty and sentence of death.<sup>1</sup> [March, 1702.] Alderman Hutchins was shortly after tried, and con-

<sup>1</sup> The proceedings on this trial, which are reported at some length in Howell's *Collection*, are creditable to the legal knowledge, ability, and spirit of the lawyers employed to conduct them, and especially of the counsel for the prisoner. Emot, one of the latter, maintained a plea which was not admitted till a much later period in England, — that "the jury are judges both of law and fact." Even under the liberal sway of Oliver Cromwell, it was declared from the bench (on the first trial of Lilburne) that it was "a damnable doctrine" to hold that the jury were judges of law as well as fact. Howell.



victed on a similar charge. But here the adversaries of the prisoners were induced to pause. Though the law on which the charges were founded was illiberal and unjust, it had been framed by the prisoners themselves and their party, and never yet repealed ; and though the convictions proceeded on a somewhat strained application of it, they were procured by no signal or undoubted departure from the ordinary principles of judicial procedure in the administration of penal law. The prosecutors, therefore, had not incurred such guilt as to confound altogether their sense and humanity, or imperiously drive them to complete what they had begun, and destroy their victims while they were yet in their power. Happily for themselves and for the province, they consented to relieve the prisoners till the king's pleasure should be ascertained. But long before this reference to the crown could be accomplished, Lord Cornbury arrived at New York [May 3, 1702] ; and not only caused the attainders of Bayard and Hutchins to be reversed, but, openly declaring himself the head of their party, conducted his administration with such violence and partiality, that the chief justice (who was dismissed from his office), and several other considerable persons of the opposite faction, deemed it prudent to depart from the province.<sup>1</sup>

Edward, Lord Cornbury, grandson of Lord Chancellor Clarendon, possessed not one of the qualities by which his distinguished ancestor was characterized, except an exaggeration of his zeal for the church of England, and his intolerance of all other ecclesiastical associations. The rest of Lord Cornbury's character would have disgraced more estimable qualities ; and seems to have formed a composition, no less odious than despicable, of rapacity and prodigality, voluptuousness and inhumanity, the loftiest arrogance and the meanest chicane. Whether from real difference in sentiment, or from a policy which in those days was not uncommon, — while his father adhered to the cause of James the Second, the son supported the pretensions of King William, and was one of the first officers who deserted with his troop to join the enterprise which produced the British Revolution ; and having now dissipated his substance

<sup>1</sup> Oldmixon. Smith. Howell's *State Trials*.

in riot and debauchery, and being obliged to fly from his creditors in England, he obtained, by one of the last acts of his royal patron's administration, the government of New York as a reward of his services. This appointment was confirmed by his kinswoman, Queen Anne, who added to it the government of New Jersey, which had been recently surrendered by its proprietaries to the crown. The administration of Lord Cornbury is chiefly remarkable for the production of an effect not less remote from his own intentions than from the expectations which his character might reasonably suggest ; for it was during his pernicious and illiberal sway that the dissensions which we have seen carried to such a height in New York came to be, if not entirely suppressed, yet greatly mitigated and reduced. This desirable end, which was rather obstructed than advanced by the only respectable governor sent to New York since the Revolution, was now promoted by the administration of a successor who surpassed even Andros in his bad preëminence, and rendered himself more universally detested than any other officer to whom the government of this province was ever intrusted. For some time after his arrival in the colony, the majority of the assembly, composed, by his influence, of the faction which had recently smarted under the insolence and ascendancy of a triumphant rival, adhered with unscrupulous zeal to him as its leader and protector ; and even after the intolerance he began to exert against the Presbyterians, and every other religious society, except the Protestant Episcopalians, had alienated many of his first political adherents, he found their loss nearly compensated by the increased attachment of those who now regarded him as their ecclesiastical ally.

Though the great mass of the inhabitants, including the principal families in the province, were Presbyterians, he refused to permit the ministers of this persuasion to preach without special license from himself, — which implied that they officiated, not by legal or natural right, but by precarious grace and indulgence. On one occasion, finding that in a township in Long Island there were a few Episcopalians intermixed with the Presbyterians, who formed the majority of the inhabitants, and had built a parsonage for their minister, he fraudulently contrived to get possession of the house, and then delivered it up to the

Episcopal party. Learning, some time after, that two Presbyterian ministers from Virginia had preached to a congregation in New York without his license, he threw them both into prison, and afterwards brought them to trial for a misdemeanour ; but although the judge who presided at the trial exhorted the jury to return a special verdict, in order that the legal rule on this subject might be finally ascertained, the jury had too much sense and honesty to intrust the liberties of their country to other keeping than their own, and without hesitation acquitted the prisoners. In every quarter of the province, the governor offered his assistance to the Episcopalians in usurping possession of the ecclesiastical edifices that other sects had erected, and, to the disgrace of some of the zealots for Episcopacy, this offer was in various instances accepted, and produced the most scandalous scenes of riot, injustice, and confusion. But, happily for the unfortunate people who were exposed to the mischief of Lord Cornbury's administration, his conduct in other departments of government soon weakened his influence with all parties, and gradually deprived him of the power of instigating any portion of the community to harass or oppress the rest. It was discovered, that, not content with the liberal grants of money which the assembly bestowed on him for his private use, he had embezzled large sums appropriated to the construction of public works and the defence of the province ; and that, unable to subsist on his legitimate emoluments, even with the addition of official pillage, he had contracted debts to every tradesman who would lend him credit, and silenced or defied these creditors by the terror of his power or the privilege of his station, which exempted him from arrest. Even after this discovery was made, he contrived to have some more of the public money intrusted to his hands, by alarming the assembly with pretended intelligence of an approaching invasion ; and the supply thus extorted was employed with as little fidelity as he had observed on prior occasions.

In vain the assembly proposed to establish a board of auditors to control the public expenditure and account for it to themselves ; and with as little success did they transmit a remonstrance against the general conduct of the governor to the queen.



Their application to her Majesty produced no other effect than some private instructions, which were said to have been communicated to Lord Cornbury ; their proposition to control the public disbursements was disallowed ; and when they insisted on a scrutiny of the governor's accounts, he warned them, in an angry speech, not to provoke him to exert " certain powers " which the queen had committed to him, and advised them to let him hear less about the rights of the house, as the house had no rights but what the grace and good pleasure of her Majesty permitted it to enjoy. By such declarations, and a line of conduct closely conformed to them, he succeeded in alienating all his adherents, and finally in uniting all classes of the people in one common interest of opposition to himself. When he dissolved an assembly for its fidelity to the public interests, he found his influence no longer able to affect the composition of the assembly by which it was succeeded. It was, perhaps, fortunate for the colonists that they were compelled to endure Lord Cornbury's misgovernment for a number of years [1702—1708], and till the lessons which it was well calculated to teach them were deeply impressed on their minds. The governor had leisure to repeat the expedient of dissolving intractable assemblies, and the mortification of finding every succeeding one more stubborn than its predecessor ; till at last he convoked assemblies which absolutely refused to vote the smallest supply for the public service, except on condition that the governor should previously account for all his past receipts and disbursements of money, and (which was impossible) should refund all the sums he had embezzled, — preferring even an extremity so inconvenient to themselves, to the continuance of this corrupt and profligate administration. The dissolute habits and ignoble tastes and manners of the man completed and embittered the disgust with which he was now universally regarded ; and when he affronted public decency by rambling abroad in the dress of a woman, the people beheld with indignation and shame the representative of their sovereign and the ruler of their country.

The inhabitants of New York were now invited, by a painful but salutary experience, to reflect on and deplore the folly and mischief of those dissensions that had once enabled such a

wretch to enjoy influence among them, and successfully to incite them to harass and maltreat each other, that he might the more securely pillage and oppress them all. His administration forcibly taught them the important lesson, that divisions among themselves were profitable only to the person who ought to be the object of their constitutional jealousy, — the royal governor ; and that union among themselves, founded on a sense of common interest, and maintained by the exercise of mutual good-will and forbearance, was essential alike to their tranquillity and independence. This lesson was not addressed to them in vain ; and though the animosities formerly kindled were not entirely extinguished for many years, they never again reached the height which they had attained at the commencement of Lord Cornbury's administration. This worthless personage continued for a number of years to remind the people by his presence of the salutary counsels they derived from his administration, even after they had obtained a deliverance from its burden. In the year 1708, Queen Anne was at last compelled by the reiterated and unanimous complaints of New York and of New Jersey (where he was equally odious) to supersede his commission, and appoint Lord Lovelace his successor ; and no sooner was he deprived of command, than his creditors threw him into the same prison where he had formerly confined the victims of his tyranny. Thus degraded from office by his public crimes, and deprived of liberty by his private vice and dishonesty, this kinsman of his queen remained a prisoner for debt in the province he had governed, till the death of his father, by elevating him to the peerage, and investing him with the dignity of an hereditary legislator of Great Britain, entitled him to his liberation.<sup>1</sup> He then returned to Europe, where he died in the year 1723.<sup>2</sup>

Both before and after the British Revolution, the province of New York received large additions to the number of its inhabitants from all the various sources of emigration which were gen-

<sup>1</sup> Smith. *History of the British Dominions in America*. This work, which I have frequently referred to, is an anonymous publication in quarto. It contains more ample and precise information than the composition of Wynne, and, like it, brings down the history and state of the colonies to the middle of the eighteenth century. It is more of a statistical than a historical work.

<sup>2</sup> *Biographia Britannica*.

erated by oppression, poverty, and discontent, in the kingdoms of Europe. The poor found here a country where their industry was highly valued, and all freemen enjoyed equal rights, — where, instead of being compelled to vie with each other for the boon of ill-rewarded employment,<sup>1</sup> their services were eagerly courted by the rich, and labor conducted them with certainty to ease and independence. Among the later accessions of people were a number of Protestant refugees from France and of Presbyterians from Ireland.<sup>2</sup> The metropolis of the province, which in the year 1678 contained about three thousand four hundred inhabitants, was found to contain nearly double that number in 1696 ; and the port, which at a former period owned no more than three ships and eight sloops, possessed in the last-mentioned year forty ships, sixty-two sloops, and an equal number of boats.<sup>3</sup> The shipping of New York was promoted not merely by the increase of its inhabitants, but by the advantages of its situation, which enabled it to conduct nearly the whole foreign trade of Connecticut and New Jersey.<sup>4</sup> The total population of the province amounted, in 1701, to about thirty thousand persons.<sup>5</sup> Many of the first English colonists who repaired to this province, after the conquest of it from the Dutch, remained but a short time in it, and sought a refuge in New Jersey from the hostile inroads of the French and their Indian allies. At the end of the seventeenth century, the people consisted of various races, — English, Scotch, Irish, French, and chiefly Dutch ; the great majority being Presbyterians and Independents. The Dutch congregations continued at this time, and long after, to acknowledge subjection to the ecclesiastical authorities of Holland, from whom their ministers, in general, derived their ordination to sacred functions. The Scotch Presbyterians, after repeatedly soliciting a charter incorporating their congregation, and being continually disappointed by the interest and opposition of the Episcopal party, executed, in the beginning of the eighteenth century, a grant of their meeting-house and of the ground attached to it to the general assembly of the church of Scotland. The Episcopalians,

<sup>1</sup> See Note VI., at the end of the volume.

<sup>2</sup> Smith. In 1710, three thousand palatines, flying from persecution in Germany, settled in New York. Ibid.

<sup>3</sup> Chalmers.

<sup>4</sup> Smith.

<sup>5</sup> Holmes.



though the least numerous class, enjoyed a charter of incorporation from the provincial assembly ; and the minister of their church in New York had a salary of one hundred pounds a year, collected by a tax on all the inhabitants of the city. For this privilege they were indebted to the exertions of Governor Fletcher ; and they were elated by it to such a degree of presumption, as to maintain that the province was subject to the ecclesiastical dominion of the church of England, and that theirs was *the religion of the state*, — a pretension that excited much jealousy among all the Dissenters, and was passionately disputed by them. When the Episcopal clergy became more numerous, they accounted themselves subject immediately to the Bishop of London, who maintained a commissary at New York. They made an attempt at an after period to engross the privilege of solemnizing all marriages in the province, but found themselves unable to carry this pretension into effect. Though all law proceedings in the provincial courts were conducted in English, and an English free school was established in 1702, the Dutch language continued long to prevail among a considerable portion of the people. For many years public worship was celebrated in Dutch in some of the churches ; and in several counties the sheriffs often found it difficult to collect as many persons acquainted with English as were necessary to compose the juries in the courts of law. The English that was generally spoken was much corrupted by intermixture of the two languages.<sup>1</sup>

<sup>1</sup> Smith. The English, French, and Irish colonists seem to have acquired pretty early a uniform character. The stronger nationality and more rigid manners of the Scotch, aided by frequent accessions of their countrymen from Scotland, preserved their national peculiarities longer unimpaired. "They preserve unaltered," says Dwight, "the character which they brought with them. They are industrious, frugal, orderly, patient of hardship, persevering, attached to government, reverential to religion, generally moral, and often pious. At the same time they are frequently unwarrantably self-complacent, rigid in their dispositions, unbending in their opinions, sequestered, avaricious, ready to unchurch those who differ from them, and to say, *Doubtless we are the people.*" Dwight's *Travels*.

Even when intermarriages and the common influence of free institutions and national association shall have produced uniformity of character among all the race of American colonists, the peculiar pedigrees of many particular districts will be preserved by their names. In one county of New York, almost every place bears the name of an Irish saint, city, county, or mountain. A neighbouring district, originally planted by New Englanders, is divided into parishes and settlements bearing the names of Unanimity, Frugality, Sobriety, Enterprise, and the like. (Dwight.) It may be hoped that the recollection of such names as these last will impress a corresponding bias on the sentiments and character of the inhabitants of the region.

The subsistence of the Dutch language was less advantageous to the province than the permanence of Dutch manners, attested by the sobriety of deportment, and the peculiar attention to domestic cleanliness, order, and economy, by which the descendants of the original colonists of New York were long distinguished, and which their example communicated, in no slight degree, to the other races of European settlers with whom they were latterly associated. A printing-press was established at New York, in the year 1693, by a printer flying from the strange occurrence of Quaker tyranny and persecution in Pennsylvania; and a library was founded under the government of Lord Bellamont in the year 1700. But the schools in this province were inconsiderable; and although the wealthier families obtained valuable instructors for their children among the numerous Protestant refugees from France, the great bulk of the people were strangers even to the first rudiments of science and cultivation, till the era of the American Revolution.<sup>1</sup>

If Britain had pursued a wiser policy towards this and her other American provinces, she might have obtained from their resources a considerable diminution, if not an entire removal, of the burden of her poor-laws. But various circumstances contributed to disguise or diminish the attractions by which the colonial territories invited the resort of the industrious poor. The practice of transporting felons to America brought this country into disrepute with many whose information was not sufficiently exact to acquaint them with the insignificant amount of the evil, and the great preponderance of the advantages by which it was counterbalanced. The historian of New York has ascribed to this cause the dearness of labor, and the increased importation of slaves which began to take place in the beginning of the eighteenth century. Another obstruction to the colonization of this province by the free poor arose from the practices of many of the governors, who, in order to promote the royal interest in the assembly, were permitted to make large grants of land to their partisans and dependents, by whom it was again farmed out at exorbitant rates to the cultivators, or

<sup>1</sup> Oldmixon. Smith. Thomas's *History of Printing*. Winterbotham. Warden. Grant's *Memoirs of an American Lady*, &c. Mrs. Grant's descriptions of American manners are, in general, entirely fanciful and erroneous.

retained in a vacant and unproductive state in the hope of a future rise in its value from the general progress of culture and population.<sup>1</sup>

The provincial organs of government in New York were the governor, the council, and the assembly. The governor, appointed by the king, was commander-in-chief by sea and land, and received from the provincial revenue a salary of about one thousand five hundred pounds, together with perquisites amounting to as much more. The counsellors were appointed by the crown, but might be suspended by the governor. They received no salaries, and acted as a privy council to the governor, besides performing the same legislative and judicial functions as the English House of Lords. The members of assembly (elected by freeholders possessing lands or tenements improved to the value of forty pounds<sup>2</sup>) had a daily stipend for their attendance; and to them, in conjunction with the council and the governor, was committed the privilege of enacting the provincial laws, which were required to be analogous to the jurisprudence of England. The laws were communicated to the English privy council within three months after their enactment, and might, *at any time after*, be annulled by the king. The governor was empowered to prorogue or dissolve assemblies at his pleasure; to appoint judges; to collate to all vacant ecclesiastical benefices; and, with the advice of the council, to make grants of land, to be held of the crown by soccage tenure. Besides subordinate courts of law, there was a supreme court at New York, of which the chief justice received a salary of three hundred pounds a year. From its judgments an appeal was competent, in causes involving more than one hundred pounds, to the governor and council, and in causes where more than three hundred pounds was at stake, to the king and the privy council of England. Much uncertainty prevailed in the administration of civil justice, from ignorance and difference of opinion as to the extent to which English statutes and decisions should be admitted to operate as rules or precedents.<sup>3</sup>

<sup>1</sup> Smith. "The governors were, many of them, land-jobbers, bent on making their fortunes; and being invested with power to do this, they either engrossed for themselves, or patented away to their particular favorites, a very great proportion of the whole province." Winterbotham.

<sup>2</sup> *Laws of New York from 1691 to 1718.*

<sup>3</sup> Smith.



By a law passed in 1700 for the purpose of checking the missions of the Jesuits among the Indians, it was decreed that every Jesuit, or other Catholic priest, coming voluntarily into the province, should be subjected to perpetual imprisonment, and, in case of escape and recapture, to the punishment of death. Slaves (by a law passed in 1702), except when assembled for labor, were forbidden to meet together in greater number than three, — a regulation which proved insufficient to prevent a formidable insurrection of these unfortunate persons in the year 1712. Masters were enjoined by law to baptize their slaves, and encouraged to do so by a provision that their baptism should not entitle them to freedom. Indeed, manumission of slaves was discouraged by a heavy fine. Slaves were disqualified from bearing testimony in criminal cases against any but slaves ; and no negro, Indian, or mulatto, even though free, could acquire the property of houses or lands. Any negro or Indian, conspiring the death of a white man, was capitally punished. Even though baptized, slaves were not considered to be properly comprehended in the denomination of Christians ; for by an act passed in 1702, and confirmed in 1708, there was offered a reward of twenty shillings to every *Christian*, and half that sum to every Indian or *slave*, killing a wolf in the provincial territory. In some of the colonial settlements of the Dutch (particularly at the Cape of Good Hope), the treatment of their slaves has been distinguished by the most barbarous cruelty. But milder manners and less inhuman laws prevailed at New York, where extreme severity was inflicted only at second hand, by selling unruly and troublesome negroes to the planters of Jamaica. Various laws were made from time to time against selling ardent spirits to the Indians. The extortions of usurers were repressed by an act passed in 1717, restricting the lawful interest of money to six *per cent*. This was repealed in the following year, when the exaction of eight *per cent*. was permitted.<sup>1</sup>

<sup>1</sup> *Laws of New York from 1691 to 1718.* Smith.

# BOOK VI.

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PLANTATION AND PROGRESS

OF

NEW JERSEY,

TILL THE BEGINNING OF

THE EIGHTEENTH CENTURY.

17 2008

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17 2008

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## BOOK VI.

### NEW JERSEY.

Sale of the Territory by the Duke of York to Berkeley and Carteret. — Liberal Frame of Government enacted by the Proprietaries. — Emigration from Long Island to New Jersey. — Arrival of the first Governor and Settlers from England. — Discontent and Disturbance in the Colony. — Renovation of the Titles to New Jersey. — Equivocal Conduct of the Duke of York. — Situation of the Quakers in England. — Sale of Berkeley's Share of the Province to Quakers. — Partition of the Province between them and Carteret. — Emigration of Quakers from England to West Jersey. — Encroachments of the Duke of York. — Remonstrance of the Quakers — causes the Independence of New Jersey to be recognized. — First Assembly of West Jersey. — The Quakers purchase East Jersey. — Robert Barclay — appointed Governor. — Emigration from Scotland to East Jersey. — Designs of James the Second against the Proprietary Governments — defeated by the Revolution. — Inefficient State of the Proprietary Government. — Surrender of the Provincial Patent to the Crown — and Reunion of East and West Jersey. — Constitution of the Provincial Government. — Administration of Lord Cornbury. — State of the Colony.

OF all the national societies in which mankind have ever been united, there is none (except the fallen commonwealth of Israel)<sup>1</sup> which can boast of an origin as illustrious as that which belongs to the provinces of North America. Almost all these provincial settlements have been founded by men

<sup>1</sup> It is remarkable, that, among those of the colonists of North America who were most eager to trace a resemblance between their own situation and that of the Jewish emigrants from Egypt, the opinion should have first sprung up that the savage Indians were the offspring of one of the tribes of Israel. This opinion (which is supported by very strong probabilities) was not without its use, if it tended to abate that spiritual pride sometimes engendered by a belief of the possession of an especial degree of divine favor. It was early adopted by the New England divines, and was maintained, with much learning and ability, in a treatise by one Thorowgood, published at London in 1650, and entitled *Jews in America*. It was afterwards embraced by William Penn, the Quaker, and supported by him, and by many other distinguished writers. See, in relation to this curious subject, the Appendix to Stowe's translation of Jahn's *History of the Hebrew Commonwealth*.

whose prevailing motives were zeal for the advancement of religious truth, for the security of political freedom, or for the enlargement of the resources and renown of their country ; and all have been indebted for a considerable share of their early population to the shelter which they afforded from civil or ecclesiastical tyranny. The successful establishment of every one of them is a grand and interesting monument of human energy and fortitude ; for it was not accomplished without a generous and heroic conflict with the most stubborn habits of human nature, and the most formidable obstructions of difficulty, danger, and distress. The colonists of New Jersey, indeed, from their proximity and friendly relation to older colonial settlements, and from other advantageous peculiarities in their situation, were exempted from much of the hardship which elsewhere attended, in so many instances, the foundation of civilized society in North America. But the motives which conducted a great proportion of them to this territory were such as must be acknowledged to reflect the highest honor on their enterprise, and to ennoble the origin of New Jersey.

The territory to which this appellation belongs was first appropriated by the Dutch, of whose settlements an account has already been given in the history of New York. It was included in the province to which this people gave the name of New Netherlands, and had received a few Dutch and Swedish settlers at the period of the conquest of the Dutch colony by the English. Preparatory to this enterprise, as we have already seen, Charles the Second granted a charter of American territory [20th March, 1664], including the whole of the Dutch occupation, to his brother James, Duke of York ; and as the king, in conformity with his pretension to an antecedent right, which the intrusion of the Dutch could neither extinguish nor suspend, thought himself entitled to bestow his grant before the territory was actually reduced to his dominion, the duke, in like manner, regarded his investiture as completed by the charter, and proceeded to exercise the powers it conferred on him, without waiting till he had attained actual possession of the soil. His charter, though much less ample in its endowments than the charters which were previously granted

to the proprietaries of Maryland and Carolina, resembled these in conferring the province, and the powers of government, on the proprietary and "*his assigns*." Various instances, both in the history of the Carolinas and of New Jersey, demonstrate, that, in conformity with this expression, the proprietaries regarded their functions less as a trust than as an absolute property, subject to every act of ownership, and in particular to mortgage and alienation ; and, accordingly, the sovereignty of large provinces of the British empire in America was repeatedly assigned by proprietaries to their creditors, or sold in the market to the highest bidder. It was not till after the British Revolution that the legality of these transactions was disputed ; but, although the ministers of William the Third maintained that they were inconsistent with the law of England, which recognized an hereditary but not a commercial transmission of office and power, the point was never authoritatively determined. The evil, in process of time, produced its own remedy. The succession and multiplication of proprietaries occasioned so much inconvenience to themselves, that, sooner or later, they were glad to bargain with the crown for a surrender of their political functions ; and both in Carolina and in New Jersey, the exercise of the power of assignation materially contributed to abridge the duration of the proprietary government.

The first example of a sale of proprietary rights and functions was afforded by the Duke of York, in his conveyance to Lord Berkeley and Sir George Carteret of a portion of the territory comprehended in the royal charter which he had recently procured for himself. If he had deferred the exercise of his ownership till he obtained possession of the country, and a report of its condition from Colonel Nichols, whom he appointed its governor, this partition would probably not have taken place. But, before he had yet actually occupied any part of it, or possessed the information requisite to enable him to conduct such a transaction with advantage to himself either as proprietor of the soil or as sovereign of the people, he consented to sell one of the finest districts which it embraced to two persons who were, or supposed themselves, much better informed. Berkeley and Carteret were already proprietaries



of Carolina; and not contented with this ample investiture, nor yet apprized by experience of the tardy returns from colonial possessions, they were induced, by the representations of a projector acquainted with the domain conferred on the Duke of York, to believe that a particular portion of it would form a valuable acquisition. How far the disjunction of this portion might be calculated to affect the interest and value of the remainder was a point, which, for the honor of the purchasers, they must be supposed to have overlooked as completely as it was misunderstood by the vendor. But, at a subsequent period, Colonel Nichols did not scruple to assert that the person by whose advice Berkeley and Carteret were induced to make the purchase had himself been an unsuccessful candidate for the patent which the Duke of York obtained, and that he revenged his disappointment by instigating those courtiers to an acquisition which he was aware would greatly depreciate the remainder of the duke's domain. Be this as it may, the transaction that ensued, as it was very little creditable to either of the parties who engaged in it, proved in the sequel disadvantageous to them both.

It was only three months after the date of his own charter, that the Duke of York [23d and 24th June, 1664], by a formal deed of assignment, in consideration of "a competent sum of money," conveyed to Lord Berkeley and Sir George Carteret, and their heirs and assigns, that tract of land adjacent to New England, lying westward of Long Island, and bounded on the east, south, and west by the river Hudson, the sea, and the Delaware; on the north by the forty-first degree and fortieth minute of latitude. In compliment to Carteret, who had defended the island of Jersey against the Long Parliament in the civil war, the duke bestowed on this region the name of Nova-Cæsarea, or New Jersey; and he transferred to the grantees every right and privilege, and all the powers of government, which he himself possessed under his charter from the crown.<sup>1</sup>

<sup>1</sup> Scott's *Model of the Province of East New Jersey*. Oldmixon. Samuel Smith's *History of New Jersey*. Chalmers. Colonel Nichols gratuitously acquits Berkeley and Carteret of any accession to the design of defrauding the duke. But Carteret did not always enjoy an unspotted reputation. In 1669, he was expelled the House of Commons for issuing, as treasurer of the navy, public money without legal warrant. Hallam.

Having obtained, in this manner, the sovereignty of New Jersey, the first care of the proprietaries was to invite the resort of inhabitants to the province ; and their exertions for this purpose, though pursued with more eagerness than perseverance, disclosed some share of political sagacity. In those colonial territories which present to adventurers no alluring prospect of sudden enrichment, and which must owe their cultivation to the steady enterprise and industry of permanent settlers, the strongest attractions are supplied by liberal provisions for the security of the civil and religious rights of mankind. The recent history of New England had demonstrated that these attractions address themselves most prevailingly to that description of human character which is best fitted to contend with the difficulties of colonization, and that their operation is so forcible as to overpower the temptations even of superior climate and soil. That the useful lesson thus afforded to the founders of colonies was not disregarded by the courtiers of Charles the Second has already appeared from some parts of the history of Carolina, and is still more plainly manifested by the first measures that were pursued by the proprietaries of New Jersey. They hastened to compose and publish a system of institutions for the government of the province ; and, as their object was to exhibit a political fabric that should appear generally desirable and advantageous, they succeeded in framing a project which obtained a very favorable reception, and would have better deserved it, if the proprietaries had been legislating for an existing population. It was, indeed, a singular competition which these proprietary governments engendered, — in which sovereigns and legislators found it their interest to vie with each other in the production of models of liberty, and in tendering to the acceptance of their subjects the most effectual securities against arbitrary power. Whatever doubts may be entertained of the dignity of their motives or the sincerity of their professions, and even supposing (as we reasonably may) that these professions were mere expedients to obtain a temporary popularity, and quite unconnected with enlarged or liberal views of policy and government, the measures which the various proprietaries actually adopted in pursuance of their purposes proved highly benefi-

cial to the provinces of North America, and cherished in the minds of the colonists a warm attachment to political freedom, and an habitual conviction of their right to it.

The instrument which was now published by Berkeley and Carteret gave assurance to all persons who might settle in New Jersey, that the province should be ruled only by laws enacted by an assembly in which the people were represented, and to which the power of making peace or war, together with many other important privileges, was confided. In particular, it was promissorially stipulated by the proprietaries, "for the better security of the inhabitants in the said province, that they are not to impose, *nor suffer to be imposed*, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever, upon any color or pretence, upon the said province, and inhabitants thereof, other than what shall be imposed by the authority and consent of the general assembly." By another clause, of equal importance, it was provided, that "no person, at any time, shall be any ways molested, punished, disquieted, or called into question, for any difference in opinion or practice in matters of religious concernment, who does not actually disturb the civil peace of the province; but all and every such person and persons may, from time to time, and at all times, freely and fully, have and enjoy his and their judgments and consciences in matters of religion, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute, or clause, contained, or to be contained, usage or custom, of the realm of England, to the contrary thereof in any wise notwithstanding." The import of these expressions could not be misunderstood; and as they were promulgated without censure or disallowance from any quarter, it must be admitted that the colonization of this province was undertaken on an assurance, which the settlers were entitled to credit, of their being completely exempted from the jurisdiction of the English parliament, both in the imposition of taxes and the regulation of ecclesiastical affairs. The administration of the executive power, together with the prerogative of affirming or rejecting the statutes of the provincial assembly, was reserved to the proprietaries. To all persons resorting



to New Jersey with the intention of settling in it there were tendered allotments of land, proportioned to the earliness of their arrival in the province, and to the numbers of their indentured servants and *slaves* ; and for these allotments they were required to pay a quitrent of a halfpenny per acre after the year 1670, and to maintain one able-bodied male servant for every hundred acres in their possession. As the quitrents were deemed the private estate of the proprietaries, it was declared that all public expenses should be defrayed by general contribution. Such was the first political constitution of New Jersey. New provisions were added to it from time to time, by subsequent proclamations, and the whole code was denominated by the people *The Laws of the Concessions*, and regarded by them as their great charter, and as possessing a higher authority than even the acts of assembly, from not being subject to alteration or repeal. An important addition was suggested by the prudence and equity of Philip Carteret, who was the first governor appointed by the proprietaries, and who, without any directions from his constituents to respect the rights of the aboriginal inhabitants of the province, judged it proper to obtain their acquiescence in the colonial plantation, by purchasing their titles to the several districts which were occupied. The proprietaries had the wisdom to approve this policy, and some years after established the rule, that all lands should be purchased from the Indians by the governor and council, who were to be reimbursed by the planters, in proportion to their respective possessions.<sup>1</sup>

The conquest of New Netherlands had now been achieved by Colonel Nichols, who assumed, as lieutenant of the Duke of York, the administration of the whole territory surrendered by the Dutch. While yet unacquainted with the duke's assignment to Berkeley and Carteret, he formed the design of colonizing the district they had acquired, and to this end granted licenses to various persons to make purchases of land from the aboriginal inhabitants of New Jersey. Three small townships were speedily formed in the eastern part of the territory, by emigrants chiefly from Long Island, who laid the

<sup>1</sup> Scot. S. Smith. Chalmers.

foundation of Elizabethtown, Woodbridge, and Piscataway ; and Nichols, who entertained a favorable opinion of this region, bestowed on it the name of Albania, in commemoration of one of the titles enjoyed by his master. But his hopes of rendering it a valuable appendage of the duke's possessions were soon interrupted by intelligence of the transaction which passed it to its new proprietaries ; and the measures he had already pursued gave rise to disputes respecting the property of the soil, between the settlers whose establishment he had promoted and the proprietaries who subsequently claimed their allegiance, which disturbed the peace of the province for more than half a century. Nichols addressed an earnest remonstrance to the Duke of York, on the impolicy of thus multiplying statistical divisions, and of disjoining from his own domain a portion distinguished above all the rest by the fertility of its soil, the commodiousness of its rivers, and the richness of its minerals ; and while he urged the duke to revoke a grant so prejudicial to his own interest, he predicted, what actually ensued, that the undertaking of Berkeley and Carteret to colonize a vacant territory would disappoint their expectations of profit, and involve them in expenses from which only their remote posterity could hope to gather any beneficial fruit. This remonstrance appears to have produced some impression on the mind of the duke ; but either it was insufficient to induce him to revoke the grant which he had executed, or he judged such revocation beyond his power ; and Nichols was reluctantly compelled to surrender the government of New Jersey to Philip Carteret [November, 1665], who arrived with a company of thirty emigrants from England, and established himself at Elizabethtown, which was regarded as the capital of the infant province. Here for some years he ruled in peace over a desert which was gradually replenished with planters from the provinces of New York and New England, attracted by the inviting qualities of the country and the repute of the liberal institutions which its inhabitants were to enjoy.

It was a happy peculiarity of the lot of these colonists, that, establishing themselves in the vicinity of countries already cultivated, they escaped the disasters and privations which afflicted so severely the first inhabitants of most of the other American

provinces. Their proximity to the channels of commerce formed at New York, in particular, was considered a circumstance of no small advantage during the infancy of their settlement; though, in process of time, it was less favorably regarded by them, as having contributed to prevent the rise of a domestic mart, which would have afforded still more effectual encouragement to their trade. Like the other colonists of North America, they enjoyed the advantage of transporting the arts and habits of industry from a crowded and civilized community, where they were carried to a high pitch of improvement, into the fresh bosom of a fertile and unoccupied region, which afforded them more liberal recompense and more unrestricted scope. Their exertions for the rearing of cattle and grain were speedily and amply rewarded by a grateful soil; and their friendly relations with the Indians enabled them to prosecute their labors in undisturbed tranquillity, and to add to them a beneficial traffic in peltry with the roving tribes by whom the neighbouring forests were inhabited. Their connection with the sister colony of New York communicated to them the benefit of the alliance which subsisted between this colony and the powerful confederacy of the Five Nations; and, as the influence of this confederacy extended to all the tribes in the vicinity of the new settlement, its inhabitants enjoyed the felicity of an entire exemption from Indian war. Recommended by the salubrity of its climate, in addition to so many other advantages, it will not appear surprising that New Jersey was soon considered a very desirable residence, and that its attractions were celebrated by early writers with higher commendation than any of the other American settlements obtained.

The proprietaries, still buoyed up with the hope of an ample revenue from their province, were not wanting in exertions to circulate the intelligence of its advantages both in Europe and America, and occasionally despatched from England vessels freighted with settlers and stores to reinforce the numbers and supply the wants of their people. [1665-1670.] But the period to which they looked for the fulfilment of their hopes was fated to demonstrate the fallacy of them; and the scene of felicity which the province had hitherto presented was disagreeably overcast by the arrival of the day when the



payment of quitrents was appointed to commence. [March, 1670.] The first demand of this tribute excited general disgust among the colonists, who expressed more unwillingness than inability to comply with it. A party among them, including the earliest settlers, who had occupied their lands under the authority of Colonel Nichols, refused to acknowledge the title of the proprietaries ; and, in opposition to it, set up titles which they had obtained for themselves from the Indians. It was easier for the governor to demonstrate the illegality of these pretensions, than to prevail with the people to abandon them. For two years he maintained an ineffectual struggle to enforce the claims of the proprietaries ; till at length the popular discontent broke forth in an insurrection which he found it impossible to withstand. He was compelled to return to England, stripped of his functions, which the colonists forthwith conferred on a natural son of Sir George Carteret [November, 1672], by whom their pretensions were abetted. Disappointing as this result must have been to the proprietaries, it was impossible for them to impute the blame of it to their governor, or to hesitate to replace him in the station from which he had been expelled. This measure, however, was retarded by the unexpected events of the following year [1673], when, New York again reverting to the dominion of Holland, New Jersey was once more reunited to the province of New Netherlands.<sup>1</sup>

The Dutch, as we have already seen,<sup>2</sup> did not long retain their acquisition, which was restored to Great Britain by the treaty of London. [1674.] But the reëstablishment of the proprietary governments into which the territory had been previously divided was thought to require some additional formality, and was not accomplished without a renovation of the titles by which those jurisdictions were originally created. Some doubts had already been suggested of the validity of the royal charter, which was granted to the Duke of York at a time when the Dutch government enjoyed a peaceable and unchallenged possession of the country ; and, however unwilling to acknowledge the force of this objection, and recede from a pretension that had been deliberately embraced by his brother and himself,

<sup>1</sup> Douglass's *Summary*. S. Smith. Chalmers.

<sup>2</sup> Book V., Chap. I, *ante*.

the duke was prompted by his own interest to remove from men's minds a doubt so likely to obstruct the resort of emigrants to his domains. Another cause seems also to have contributed to turn his thoughts to the procurement of a new investiture. The remonstrances of Colonel Nichols led him to regard the grant he had made of New Jersey to Berkeley and Carteret with feelings of dissatisfaction, which were not diminished by the liberal institutions which these proprietors had conferred on their province, and the number of inhabitants whom this policy attracted to it from his own dominions. Whatever were the motives that withstood the gratification of his wishes, — whether he scrupled to commit the injustice and incur the dishonor of robbing two of the firmest adherents of his family, or doubted the support of the law or the king in such a proceeding, — it is manifest from his conduct that he entertained a desire to repossess himself of the New Jersey territory, without making any compensation to the parties who had acquired it. The Dutch conquest seemed to furnish him with an opportunity of removing the objections to which his own title was subject, without seeming to confess its original defectiveness ; and to afford him, at the same time, a decent pretext for divesting Berkeley and Carteret of their property, without disowning the grant by which he had bestowed it upon them, or incurring any obligation to indemnify them for its loss. It was pretended that the Dutch conquest extinguished the proprietary rights, and that the territory, unencumbered by them, now reverted to the crown. [June, 1674.] In conformity with this view, the duke applied for a new investiture, and found no difficulty in obtaining from the king a second charter, which recited the former grant, and confirmed to him all the domains which that grant embraced. He now appointed Andros his lieutenant over the whole reunited province ; and committing to this governor and a board of counsellors all the functions of legislative and executive power, established the same arbitrary sway in New Jersey that he had hitherto maintained in New York. But while he could thus meditate the meanness of despoiling his friends of a property which he had sold to them, he wanted either resolution or authority to effectuate his iniquitous views ; and, on the application of Sir George Carteret, scrupled not to promise a renewal

of the grant of New Jersey. Yet, though ashamed to acknowledge his purposes, he was unwilling to abandon them [January, 1675] ; and while the execution of the grant was delayed, he commanded Andros to maintain his prerogative over the whole territory. Even when he finally consented to restore New Jersey, he endeavoured to evade the complete performance of his engagement, and pretended to have reserved certain rights of sovereignty over it, which Andros seized every opportunity of asserting.

In the beginning of the year 1675, Philip Carteret, returning to New Jersey, resumed the government of the settlements formed in the eastern part of the province, from which he was expelled about two years before. The inhabitants, who had experienced, in his absence, the yoke of conquest, and the severe rule of Andros, now received their old governor with demonstrations of good-will ; and, as he postponed the payment of their quitrents, and published a new code of *concessions* by Sir George Carteret that confirmed all their privileges, a peaceable and contented subordination was once more established in the colony. The only subject of disquiet that occurred for several years arose from the arbitrary measures by which Andros from time to time obtruded the unjust pretensions of the Duke of York. Governor Carteret, in the hope of procuring to his people a share of the gains which the neighbouring colony derived from her commercial pursuits and relations, endeavoured to establish a direct trade between England and New Jersey. [1676.] But Andros openly resisted this attempt, as an injury to the traffic and the customs of New York ; and, by confiscating the vessels that traded in opposition to his mandates, extinguished the New Jersey commerce in its infancy. In addition to this outrage, he endeavoured by various exactions to render the colonists of New Jersey tributary to his own government ; and even launched into such extremity of insolence as to arrest Governor Carteret and carry him prisoner to New York. When complaints of these proceedings of his deputy were carried to the duke, he betrayed the same indecision and duplicity that characterized all his recent demeanour. He could not consent, he said, to depart from a prerogative which had always belonged to him ; yet he directed that the exercise of it should



be relaxed, as a mark of *favor and indulgence* to his friend, Sir George Carteret.<sup>1</sup> But the province was now divided into two proprietary jurisdictions ; and it was in the western part, in which Carteret had ceased to have any interest, that the duke attempted to exercise in its greatest latitude his pretended prerogative. The circumstances attending this partition of the territory compose the most interesting portion of the early history of New Jersey.

Among the various dissenters from the church of England who had reason to complain of the ecclesiastical policy pursued by the ministers of Charles the Second, the Quakers incurred a large share of disappointment and persecution. During the last years of the protectorate of Cromwell, a number of Quakers, charged with offending against public order and decency, were committed to prison in sundry parts of England ; and because the Protector refused or delayed to command their release, one of the leaders of the sect reviled him publicly in a rhapsody of malediction, which he concluded by tearing his own cap in pieces, as a symbolical prognostic that the government of the state would be rent from Cromwell and his family.<sup>2</sup> The accomplishment of this *prophecy* was the only gratification which the Quakers were permitted to derive from the abolition of the protectoral rule. In the interval between this event and the Restoration, they experienced so much additional rigor, as again elicited from one of their number the prediction of another political revolution. This severe treatment, partly occasioned by the aversion which the Presbyterian ministers and magistrates entertained for the doctrines of the Quakers, was also in part provoked by the frenzy and indecency with which many of the professors of

<sup>1</sup> Douglass. S. Smith. Chalmers. Smith's *New York*.

<sup>2</sup> Cromwell, though in general he treated the Quakers with lenity (of which the impunity of this prophet may be adduced as an instance), could not entirely discard his suspicions of a sect in which some of his own most determined adversaries had enrolled themselves. That restless agitator, John Lilburn, in the midst of his opposition to Cromwell, made a profession of Quakerism, and yet not only continued to write against the Protector's government, but long refused to promise that he would not employ his sword in aid of his pen. Gough and Sewell. Cromwell personally witnessed a great deal of Quaker extravagance. He was interrupted, when presiding in parliament, by a Quaker, who exclaimed that he had a message from the Lord to the Protector. *Ibid.* And he beheld a female Quaker enter stark naked into a church where he was sitting with his officers at divine worship. Hume.

these doctrines thought proper to signalize their contempt for the creed of their adversaries.<sup>1</sup> To the committee of safety, in whose hands the supreme power was lodged, the Quakers were rendered additionally obnoxious by the progress which their tenets had made among the veteran soldiers of the Commonwealth, and the success with which George Fox interposed to prevent a body of these converts from joining the parliamentary forces who were marching to suppress an insurrection of the royalists in Cheshire. They refused to give orders for the liberation of Quakers who were imprisoned by the magistrates as vagabonds and disturbers of the peace, or even to restrain the outrages of the populace, who in many places began to insult and molest the Quaker assemblies.

The advancement of General Monk to the supreme direction of affairs not only gratified these sectaries with the accomplishment of another prediction, but encouraged them to expect a lasting and favorable change in their own situation. Monk issued a proclamation prohibiting farther disturbance to the peaceable meetings of Quakers, and he listened to their complaints with a demonstration of respect and attention which they had not been able to procure from his predecessors in authority. The hopes inspired by this altered treatment were confirmed at the Restoration. To the favorable regards of the king the Quakers were recommended by the complaints they preferred against every description of authority that had subsisted in England during the suspension of monarchy, and by the peculiar enmity they expressed against those who were also the prominent objects of his own dislike. Their accusations of the government of Massachusetts, in particular, met with a gracious acceptance, and produced an order for the suspension of all farther severities against them in that quarter. Upwards of seven hundred Quakers were released from various prisons in England, and assurance was given that a complete toleration of Quaker worship would be embraced and proclaimed by the legislature with all convenient speed. The fulfilment of this assurance, however, was obstructed by certain of the king's ministers, who, though willing by delusive pretences to tranquillize all the Dissenters till the newly restored monarchy

<sup>1</sup> See Note VII., at the end of the volume.

should be more firmly established, were secretly determined to enforce a strict uniformity of religious worship in Britain ; and before many months of the new reign elapsed, their purpose was effectually promoted by an event which suddenly extinguished whatever of court favor the Quakers had really or seemingly enjoyed. Meanwhile, the sect, like all others, was indulged with an actual toleration, which was diligently improved by its founder and his wiser associates in multiplying their converts, and introducing into their society a system of order and discipline that tended to curb the wild spirit which had transported so many votaries of Quakerism beyond the bounds of decency and sobriety, and exposed their profession in so many places to reproach and persecution. But this state of unmolested tranquillity, together with the hope of seeing it perpetuated by law, was quickly destroyed by a violent explosion of fury and fanaticism from a different body of sectarians. In some points, both of doctrine and practice, the *Fifth Monarchy men*, or *Millenarians*, bore a strong resemblance to the Quakers ; a temporal hierarchy was equally odious to both ; and both rejected, on all occasions, the ceremonial of an oath. The Millenarians, however, went a step farther than the Quakers, and held themselves entitled to employ force for the overthrow of every temporal supremacy that usurped the place and obstructed the advent of that spiritual and divine dominion which they eagerly desired and expected to ascertain.

George Fox, on the contrary, had taught, from the beginning of his ministry, that it was unlawful to employ aught else than spiritual weapons for the promotion of spiritual objects. But he was well aware that he had collected around him many of the wildest and most combustible spirits in the kingdom ; and the exaggeration and distortion of his own principles, exhibited in the demeanour of many of his own followers, together with numberless examples among the other sects and factions of which the times were prolific, forcibly taught him by what insensible gradations the minds of men, when thoroughly heated by religious or political zeal, are transported beyond a mere censorious estimate of institutions hostile to their views into the conviction of an especial call, or plain moral obligation, to attempt their subversion. It was therefore with no small



alarm that Fox learned the projects which the Millenarians entertained, some time prior to the Restoration, of promoting by force of arms the establishment, or at least the recognition, of the Messiah's personal reign upon earth ; and he published, at the time, an earnest remonstrance to all his followers on the unlawfulness of designs, which, however remote from their distinctive principles, would prove, he feared, but too congenial to the spirit with which, in many instances, these principles were associated. But his exertions, whatever effect they may have produced on his own followers, failed to convince the public that there was any radical or solid distinction between the Quakers and the Millenarians ; and what probably contributed to increase his alarm, as well as to fortify the public prepossession, was, that the Quakers were encumbered by the accession of a restless band of partial and temporary adherents, the limits of whose faith they were unable to ascertain by reference to a creed, and who, flitting from sect to sect, according to the ebbs and flows of their own humor and caprice, remained only long enough with any one to infect it with their own levity and dishonor it with a share of their own reputation.

The insurrection that broke forth among the Millenarians, in the first year of the restored monarchy, proved exceedingly prejudicial to the interests of the Quakers, not only from the current opinion that the tenets of the two sectarian bodies were substantially the same, but from the plausible pretexts that were afforded to the adversaries of toleration, and the pledges which the government, no less alarmed than affronted, determined to exact from all classes of its subjects. The Quakers now became the objects of peculiar jealousy, from their refusal to give assurance of fidelity to the king by taking the oath of allegiance, and were assailed with a rigor and reality of persecution which they had never before experienced in England. They were at first included along with the Millenarians in a royal proclamation which forbade either of these classes of Dissenters from assembling under pretence of worship elsewhere than in parochial churches ; but they were soon after distinguished by the provisions of an act of parliament that applied exclusively to themselves. By this statute it was enacted,

that all Quakers, refusing to take the oath of allegiance, and assembling, to the number of five persons above sixteen years of age, for the purpose of divine worship, should, for the first and second instances of such offence, incur the penalty of fine and imprisonment, and for the third should either abjure the realm or be transported beyond it. Nay, so violent and vindictive was the jealousy which the court now harboured against the Quakers, that, instead of employing the complaints of these sectaries as the handle for a quarrel with the obnoxious province of Massachusetts, it was determined to stir up the slumbering enmity of the colonists against them, and to invite the provincial government to a repetition of those very severities which had been so recently prohibited. For this purpose, it was signified to the governor and assembly of Massachusetts, by a letter under the hand of the king,<sup>1</sup> that his Majesty, though desirous that liberty of conscience should be granted to all other religious professors in the province, would be glad to hear that a severe law were passed against the Quakers, whose tenets and practices he deemed incompatible with the existence of civil government. These unfavorable sentiments were not long after exchanged by the king for a juster estimate of Quaker principles. In a conference which he granted to some of the leading members of the sect, he received assurances which satisfied him not only that this people had been unjustly confounded with the Millenarians, but that their tenets with respect to municipal government, including an absolute renunciation of the right of resistance, were such as he had reason to wish more generally diffused through his dominions. But this alteration in his sentiments produced no relaxation of the legal severities to which the Quakers were liable, and was attended with no other consequence than a familiar and apparently confidential intercourse between him and some of the leaders of the sectarian body, together with many expressions of regard and goodwill on his part, which he was unwilling or unable to substantiate.

In the persecution that was now commenced against all classes of Dissenters, the Quakers were exposed to a more

<sup>1</sup> *Ante*, Book II., Chap. III.

than justly proportioned share of severity, from the unbending zeal with which they refused to conform even in appearance to any one of the obnoxious requisitions of the law, and the eagerness with which they seized every opportunity of openly performing their forbidden practices, and signalizing their peculiar gifts of patient suffering and unconquerable perseverance. In every part of England the Quakers were harassed with fines and imprisonments ; and great numbers were transported to Barbadoes and to the American settlements,<sup>1</sup> where they formed a valuable addition to the English population, and speedily found that their persecutors, in expelling them from their native land, had unconsciously contributed to the amelioration of their lot. Instead of the wild enthusiasts who formerly rushed with frantic zeal to New England in quest of persecution, there was now introduced into America a numerous body of wiser and milder professors of Quakerism, whose views were confined to the enjoyment of that liberty of worship for the sake of which they incurred the penalty of exile. In several of the American provinces, as well as in the island of Barbadoes, they experienced an ample toleration and a friendly reception from the magistrates and the inhabitants ; and even in those provinces where they were still the objects of suspicion and rigor, they contributed to render their principles less unpopular, by demonstrating with what useful industry and peaceful virtue the profession of them might be combined. Contented with the toleration of their worship, and diligently improving the advantages of their new lot, many of these exiles attained, in a few years, to a plentiful and prosperous estate ; and so far did they carry their willingness to reconcile their peculiar principles with the existing institutions and usages of the countries in which their lot was cast, that, in many instances, they united a profession of Quakerism with the purchase and employment of negro slaves. Perhaps the deceitfulness of the human heart was never more strikingly exhibited than in this monstrous association of the character of exiles for conscience's sake and the profession of universal meekness and philanthropy, with the

<sup>1</sup> In one vessel alone, which was despatched from England in March, 1664, sixty Quaker convicts were shipped for America. Williamson's *North Carolina*.



condition of slave-owners and the exercise of tyrannical power. Yet in process of time much good was educed from this evil ; and the inconsistency of one generation of Quakers enabled their successors to exhibit to the world an example of disinterested regard for the rights of human nature, and an honest sacrifice to the requirements of piety and justice.

The principles of Quakerism continued meanwhile to propagate themselves in Britain to an extent that more than supplied the losses occasioned by the banishment of so many of their professors. Almost all the other Christian sects had sustained a decay of piety and reputation, from the share they had taken in the passionate disputes, the furious struggles, the dark intrigues, and vindictive severities that attended the civil wars ; and while the Quakers were distinguished by exemption from this reproach, they were not less advantageously distinguished by a rigorous persecution, of which they were the objects, and which enabled them to display, in a remarkable degree, the primitive graces of Christian character. It was now that their cause was espoused and their tenets were defended by writers who yielded to none of their contemporaries in learning, eloquence, or ingenuity, and who have never been equalled, or even approached, by any succeeding scholars of the Quaker persuasion. The doctrines that had hitherto floated loosely through the sectarian society were collected and reduced to an orderly system ; the discipline necessary to preserve from anarchy, and restrain the fantastic sallies which the genuine principle of Quakerism is peculiarly apt to suggest,<sup>1</sup> was explained and inculcated ; and in the midst of a persecution which drove many of the Presbyterians of Scotland to despair and rebellion, the Quakers began to add to their zeal and resolution that mild gravity of address and tranquil propriety of thought and conduct by which they are now almost universally characterized.

<sup>1</sup> Robert Barclay, author of the *Apology for the Quakers* and of a treatise on *The Anarchy of the Ranters*, has done, perhaps, more than any other writer of his persuasion to render Quakerism a methodical and rational system. Yet this eminent person, though remarkably distinguished for the strength and soundness of his understanding and the sedateness of his temper, soon after his conversion to Quakerism, betrayed in his conduct a strong taint of enthusiastic extravagance. He has himself recorded, that, on one occasion, having experienced a vivid impression of the duty of walking through the streets of Aberdeen in sackcloth and ashes, he could not be easy till he had obeyed the divine call, as he conceived it to have been.

Yet was it long before the wild and enthusiastic spirit which had distinguished the rise of the society was banished entirely from its bosom ; and while it continued to exert its influence, a considerable diversity of sentiment and language prevailed among the Quakers.<sup>1</sup> This diversity was manifest, among other instances, in the sentiments that were entertained with regard to the duty of confronting persecution. While all the Quakers reckoned it unlawful to forsake their sectarian observances on account of the prohibition of their oppressors, there were many who esteemed it no less a dereliction of duty to abandon their country for the sake of a peaceful enjoyment of those observances in another land. Considering Quakerism as a revival of primitive Christianity, and themselves appointed to repeat the fortunes of the first Christians, and to gain the victory over a carnal world by evincing the fortitude of martyrs, they associated the success of their cause with the infliction and endurance of persecution ; and deemed the retreating from a scene where this evil impended over them to one where they might be exempted from it equivalent to the desertion of the contest in which the prevalence of truth or of error was to be decided. The toleration of their principles seemed to be less the object of their desire than the victorious spread of them ; and the success of Quakerism in England they reckoned incomplete without the downfall of the established hierarchy.<sup>2</sup> But there were others of more moderate temper and more enlightened piety, who, willing fully to sustain the character of the primitive Christians, justly deemed this character no way inconsistent with that conduct which was expressly prescribed to the objects of their imitation, in the divine direction, that, when persecuted in one city, they should flee to another. Disturbed in their religious assemblies, harassed and impoverished by fines and imprisonments, and withal continually exposed to a

<sup>1</sup> See Note VIII., at the end of the volume.

<sup>2</sup> In Neal's *History of the Puritans* there is preserved an account of a debate which took place in one of the churches of London between an English bishop and a party of these wilder professors of Quakerism, who willingly accepted the bishop's rash challenge to a public disputation. The debate was short, and soon degenerated into a reciprocation of scurrilous abuse, in which the bishop, finding himself by no means a match for his opponents, took to flight, and was pursued to his house by a mob of Quakers, vociferating at his heels, "The hireling flieth! the hireling flieth!"

violent removal from their native land, as the consequence of a line of conduct which they held it their duty to pursue, — they were led to meditate the advantage of a voluntary expatriation with their families and their substance, and naturally cast their eyes on that transatlantic realm, which, notwithstanding the severities once inflicted on their brethren in some of its provinces, had always presented an asylum to the victims of persecution. Their regards were farther directed to this quarter by the number of their fellow-sectaries who were now established in several of the North American States, and the freedom, comfort, and tranquillity which they were reported there to enjoy.<sup>1</sup>

Such was the situation of the Quakers at the time when Lord Berkeley, alarmed by the insubordination of the planters of New Jersey, and dissatisfied with a possession which seemed likely to realize the forebodings of Colonel Nichols, offered his share of the province for sale. He soon received the proposal of a price that was satisfactory from two English Quakers, named Fenwick and Byllinge; and in the year 1674, in accordance with their desire, conveyed the subject of the purchase to the first-mentioned of these persons in trust for himself and the other. Fenwick appears to have been unworthy of the confidence implied in this arrangement. A dispute soon arose between Byllinge and him with regard to their respective proportions of interest in the territory; and, to avoid the scandal of a lawsuit, the two parties agreed to submit their pretensions to the judgment of William Penn, who now began to occupy a conspicuous place among the leaders and champions of the Quaker society. Penn found it easier to appreciate the merits of the case than to terminate the controversy; for, after he had pronounced an award in favor of Byllinge, it required the utmost exertion of his address and authority to induce Fenwick to comply with it. Yielding at length to the solemn and earnest remonstrances of Penn, Fenwick consented to abandon his unjust plea; and in the year 1675, with his wife and family and a small troop of Quaker associates, he set sail from England, and established himself in the western part

<sup>1</sup> Gough and Sewell's *History of the Quakers*. Neal's *History of the Puritans*.



of New Jersey. But Byllinge was now no longer in a condition to profit by the adjustment of the dispute. He had sustained such losses in trade, that it became necessary for him to divest himself of the whole of his remaining property for the indemnification of his creditors ; and as the most valuable part of this property consisted of his New Jersey purchase, he was naturally led to desire that its administration should be confided to the same eminent person whose good offices had recently contributed to ascertain and preserve it. William Penn, after some deliberation, agreed to undertake this duty, and, in conjunction with Gawen Laurie and Nicholas Lucas, two of the creditors of Byllinge, assumed the direction of their constituent's share of New Jersey.

The first care of Penn and his associates was to obtain a partition of the provincial territory between themselves and Sir George Carteret ; and as all parties were sensible of the disadvantage of a joint property, the division was accomplished without difficulty. The eastern part of the province was assigned to Carteret, under the name of East New Jersey ; the western, to Byllinge's assignees, who named their moiety West New Jersey. The administrators of the western territory then proceeded to divide it into a hundred lots, or *proprieties* ; ten of which they assigned to Fenwick, and the remaining ninety they proposed to sell for the benefit of the creditors of Byllinge. Their next and more important concern was to frame a political constitution for the future inhabitants of the province, which was promulgated under the title of *concessions*, or terms of grant and agreement, to be mutually embraced by the vendors and purchasers of the territory. This instrument adopted the provisions formerly enacted by Berkeley and Carteret for the exemption of the colonists from all taxes but such as their own provincial assemblies should impose on them, and for the security of religious freedom ; the clause by which this latter provision was introduced being prefaced by a general declaration, " that no men, nor number of men, upon earth, have power to rule over men's consciences in religious matters." It was appointed that the people should meet annually to choose one honest man, for each *propriety*, to sit in the provincial assembly ; that " these elections be not

determined by the common and confused way of cries and voices, but by putting balls into balloting boxes to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment and honest intention"; and that every member of assembly should be allowed a shilling a day during the session, "*that thereby he may be known to be the servant of the people.*"

That the representatives of the people should receive wages or salary from their constituents was a principle adopted from the beginning in almost every one of the North American States ; and, assuredly, never in the world were constituencies more adequately represented or more faithfully served. Every male colonist, it was announced, should enjoy the capacity of electing and being elected to sit in these assemblies, which were vested with the power to make, alter, and repeal laws, and to nominate, from time to time, a committee of assistants to carry the existing laws into execution. It was declared, that no man, except by the verdict of a jury, should be arrested, confined, or deprived of life, liberty, or estate. Imprisonment for debt was disallowed ; and a bankrupt, after surrendering his estate to his creditors, was to be free from their claims, and entitled again to exert his industry for behoof of himself and his family. Such is an outline of the composition that forms the first essay of Quaker legislation, and entitles its authors to no mean share in the honor of planting civil and religious liberty in America. "There," said Penn and his colleagues, in allusion to this fruit of their labors, "we lay a foundation for after ages to understand their liberty as men and Christians, that they may not be brought in bondage but by their own consent ; *for we put the power in the people.*"<sup>1</sup>

The publication of this instrument, which its authors accompanied with a special recommendation of the relative territory to the members of their own religious fraternity, produced an immediate display of that diversity of sentiment which had recently been manifested in the Quaker society. Of these sectaries, many prepared with alacrity to embrace the proposals of the trustees, and expressed the most exaggerated ex-

<sup>1</sup> S. Smith. Chalmers. Clarkson's *Memoirs of Penn.*

pectations of the freedom, prosperity, and happy repose that awaited them in the new settlement; while others regarded with jealousy, and even stoutly opposed, a secession which they considered pusillanimous and discreditable. To moderate the expectations of the one, and to appease the jealousy of the other of these parties, Penn and his colleagues addressed a circular letter to the members of their society, in which they solemnly cautioned them against leaving their country from a timid reluctance to bear testimony to their principles, from an impatient, unsettled temper, or from any other motive inferior to a deliberate conviction that the Lord of all the earth providentially opened their way to New Jersey, and sanctioned their removal thither. They were admonished to remember, that, although Quaker principles were cherished and cultivated in the province, only Quaker safeguards could be interposed or relied on for their preservation; and, in particular, that the religious toleration which was to be established must exclusively depend for its continuance on the aid of that Being to whose will they believed it agreeable, and must never be defended by force or violence against the arm of an oppressor. To this admonitory letter there was annexed *A Description of West New Jersey*, for the information of intending colonists, in which some trivial exaggerations that had been reported of the good qualities of the soil and climate were corrected, — but, in the main, a most inviting representation of the region was conveyed. This publication was certainly not intended to repress the ardor of Quaker emigration; neither had it any such effect. Numerous purchases of colonial estates were made by Quakers in various parts of England; and in the course of the year 1677, upwards of four hundred emigrants of this persuasion transported themselves to West New Jersey. Many of these were persons of affluent estate, who carried with them their children and servants; and along with them were sent a board of commissioners, appointed by Penn and his colleagues to make partition of the lands, and engage the acquiescence and friendship of the Indians. While the ship that carried out the first detachment of these emigrants lay in the Thames, on the point of sailing, it happened that Charles the Second was passing by in his pleasure-barge. Observing



a number of Quakers on board, the king came alongside the vessel, and inquired whither they were bound. Informed of their destination, he asked if they were all Quakers, and, being answered in the affirmative, invoked a blessing upon them and departed.<sup>1</sup>

On their arrival in America, the emigrants very soon discovered that the danger of an arbitrary encroachment on their rights and liberties had not been suggested to them in vain. Andros summoned them to acknowledge the sovereignty of his master, the Duke of York; affirming that his own life would be endangered, if he should venture to recognize their independence without an express order from that prince. When they remonstrated against this usurpation, Andros cut short the controversy by pointing to his sword; and as this was an argument which the Quakers were incapacitated from retorting, they submitted for the present to his violence, and acknowledged themselves and their territory subject to the Duke of York, till the issue of an application for redress, which they transmitted to England. They were compelled for some time to endure the hardships inseparable from the occupation of a desert land. But these hardships were surmounted by industry and patience; and their first settlement, to which they gave the name of Burlington, soon exhibited a thriving appearance, and was replenished with inhabitants by successive arrivals of additional Quaker emigrants from the parent state. [1678.] It was observed in this, as in most of the other infant settlements in America, that the success of individual colonists was in general proportioned to the original humility of their condition, and the degree of reliance which they placed on the resource of their own unassisted industry. Many who emigrated as servants were more prosperous than others who imported a considerable substance along with them. Inured to personal toil, they derived such ample gains from it, as speedily enabled them to rise above a state of servitude, and cultivate land on their own account; while the others, subsisting too long on their imported stock, and relying too far upon the hired

<sup>1</sup> S. Smith. *Proud's History of Pennsylvania*. This is a very scarce work. It evinces great research, and abounds with valuable matter, unfolded with extreme dulness and prolixity.

labor of the poor, were not unfrequently themselves reduced to penury. The first exertions of the colonists to procure themselves a livelihood were facilitated by the friendly assistance of the Indians ; but a hostile attack was soon threatened by these savages, who, in consequence of a dangerous epidemic that broke out among them, accused their neighbours of having treacherously *sold them the small-pox*. The danger, however, was averted by the influence of an Indian chief, who assured his countrymen that their forefathers were afflicted with similar diseases, while as yet they had no intercourse with strangers, and that such calamities were not of earthly origin, but descended from heaven.<sup>1</sup>

Sir George Carteret, the proprietary of East Jersey, died in 1679 ; having derived so little benefit from his American territory, that he found it necessary to convey it by testamentary bequest to trustees, who were instructed to dispose of it for the advantage of his creditors. The exemption which this district was permitted to enjoy from the dominion of the Duke of York increased the discontent with which the inhabitants of the neighbouring region of West Jersey endured an authority from which their right to be exempted was equally clear. They had never ceased to importune the duke for a redress of this grievance ; and were at length provoked to additional warmth of complaint and urgency of solicitation by a tax, which Andros, in the exercise of his master's pretended sovereignty, attached to the importation of European merchandise into West Jersey. Wearied with the continual importunity of these suitors, rather than moved with a sense of honor or equity, the unjust prince consented to refer the matter of their complaint to certain commissioners, by whom it was finally remitted to the juridical opinion of Sir William Jones. [1680.] The remonstrance presented in behalf of the colonists of West Jersey, on this occasion, was prepared by William Penn, George Hutchinson, and several other coadjutors, chiefly of the Quaker persuasion, and breathes a firm, undaunted spirit of liberty, worthy of the founders of a North American commonwealth. " Thus, then," they insisted, after a narrative of the

<sup>1</sup> S. Smith. Proud.

titles by which the territory had been transmitted to them, “we come to buy that moiety which belonged to Lord Berkeley, for a valuable consideration; and in the conveyance he made us powers of government are expressly granted; for that only could have induced us to buy it; and the reason is plain, because to all prudent men the government of any place is more inviting than the soil. For what is good land without good laws? the better, the worse. And if we could not assure people of an easy and free and safe government, both with respect to their spiritual and worldly property, — that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government, — a mere wilderness would be no encouragement; for it were a madness to leave a free, good, and improved country, to plant in a wilderness, and there adventure many thousands of pounds to give an absolute title to another person to tax us at will and pleasure.” Having adverted to the argument in support of the duke’s usurped authority, they continued: — “Natural right and human prudence oppose such doctrine all the world over; for what is it but to say, that people, free by law under their prince at home, are at his mercy in the plantations abroad. And why? because he is a conqueror there; but still at the hazard of the lives of his own people, and at the cost and charge of the public. We could say more, but choose to let it drop. But our case is better yet; for the king’s grant to the Duke of York is plainly restrictive to the laws and government of England. Now the constitution and government of England, as we humbly conceive, are so far from countenancing any such authority, that it is made a fundamental in our constitution, that the king of England cannot justly take his subjects’ goods without their consent. This needs no more to be proved than a principle; it is an home-born right, declared to be law by divers statutes.” “To give up this,” they added, “the power of making laws, is to change the government; to sell, or rather resign, ourselves to the will of another; and that for nothing. For, under favor, we buy nothing of the duke, if not the right of an undisturbed colonizing; and that, as Englishmen, with no diminution, but rather expectation of some increase, of those freedoms and privileges



enjoyed in our own country : for the soil is none of his ; 't is the natives', by the *jus gentium*, the law of nations ; and it would be an ill argument to convert them to Christianity, to expel instead of purchasing them out of those countries. If, then, the country be theirs, it is not the duke's ; he cannot sell it ; then what have we bought ?" "To conclude this point, we humbly say that we have not lost any part of our liberty by leaving our country ; for we leave not our king nor our government by quitting our soil ; but we transplant to a place given by the same king, with express limitation to erect no polity contrary to the same established government, but as near as may be to it ; and this variation is allowed but for the sake of emergencies ; and that latitude bounded by these words, *for the good of the adventurer and planter.*"

In a subsequent part of their pleading,<sup>1</sup> they remark that "there is no end of this power ; for since we are by this precedent assessed without any law, and thereby excluded our English right of common assent to taxes, what security have we of any thing we possess ? We can call nothing our own, but are tenants at will, not only for the soil, but for all our personal estates. This is to transplant, not from good to better, but from good to bad. This sort of conduct has destroyed governments, but never raised one to any true greatness." "Lastly, the duke's circumstances and the people's jealousies considered, we humbly submit it, if there can be, in their opinion, a greater evidence of a design to introduce an unlimited government, than both to exact an uninterminated tax from English planters, and to continue it after so many repeated complaints ; and on the contrary, if there can be any thing so happy to the duke's present affairs, as the opportunity he hath to free that country with his own hand, and to make us all owers of our liberty to his favor and justice. So will Eng-

<sup>1</sup> This curious document, which is extremely prolix (like most Quaker productions), and enriched with some display of legal knowledge, is preserved at full length in S. Smith's *History*. It is remarkable that Chalmers has taken no notice of it. Winterbotham has given an abridged and very inadequate version of it. That Penn concurred in the presentation of the pleading is undeniable ; and hence it may be fairly presumed that he assisted in its composition. But that he was the sole author of it, as some of his modern biographers have insinuated, is rendered extremely improbable by its style, in which not the slightest resemblance is discoverable to any of his acknowledged productions.

lishmen here know what to hope for, by the justice and kindness he shows to Englishmen there ; and all men see the just model of his government in New York to be the scheme and draught in little of his administration in Old England at large, if the crown should ever devolve upon his head." Unpalatable as this argument must doubtless have been to the British court, and to the counsellors of the Duke of York, it was attended with the most triumphant success.

The commissioners to whom the case was referred were constrained to pronounce their judgment in conformity with the opinion of Jones, "that, as the grant to Berkeley and Carteret had reserved no profit or jurisdiction, the legality of the taxes could not be defended." In compliance with this adjudication, the duke without farther objection resigned all his claims on West Jersey [August, 1680], and in the amplest terms confirmed the assignment of this province to its new proprietaries. And as the reasons of this concession extended with equal and manifest application to East Jersey, he granted soon after a similar release in favor of the representatives of his friend, Sir George Carteret.<sup>1</sup> [September, 1680.] Thus the whole of New Jersey was promoted at once from the condition of a conquered country to the rank of a free and independent province, and rendered in political theory the adjunct, instead of the mere dependency, of the British empire. The powerful and spirited pleading, by which this benefit was gained, derives additional interest from recollection of the conflict then subsisting in England between the advocates of liberty and the abettors of arbitrary power. It would not be easy to point out, in any of the political writings or harangues of which that period was abundantly prolific, a more manly and intrepid exertion for the preservation of liberty than we behold in this first successful defence of the rights of New Jersey. One of the most remarkable features of the plea which the colonists maintained was the unqualified and deliberate assertion, that no tax could be justly imposed on them without their own consent and the authority of their own provincial assembly. The report of the commissioners in their favor,

<sup>1</sup> S. Smith. Proud. Chalmers, *State Papers*, *apud eundem*.

and the relief that followed, were virtual concessions in favor of this principle, which in an after age was destined to obtain a more signal triumph in the national independence of North America.

West Jersey now filled apace with inhabitants by the accession of numerous settlers, of whom a great proportion still continued to be Quakers. Byllinge, who received from his fellow-proprietaries the appointment of governor, not finding it convenient to leave England, granted a deputation of his functions to Samuel Jennings, by whom the first representative assembly of West Jersey was convoked. [Nov., 1681.] In this assembly there was enacted a code of *Fundamental Constitutions*, together with various laws for the protection of property and the punishment of crimes. By the Fundamental Constitutions, the assembly was empowered to appoint and displace all persons holding offices of trust in the province; and the governor was restrained from proclaiming war, or contracting any engagement obligatory on the State, without the assembly's concurrence, and from withholding his assent to any of its ordinances. Assemblies were to be annually convoked; and no assembly was to have power to impose a tax which should endure longer than a year. Of the laws that were enacted on this occasion, the most remarkable feature is a provision, that in all criminal cases, except treason, murder, and theft, the person aggrieved should have power to pardon the offender, whether before or after condemnation, — a provision of very questionable expediency, but probably intended to prevent the Christian requirement of forgiveness of injuries from being evacuated, as in most countries is practically done, by the supposed municipal duty which engages a man to avenge, in his capacity of a citizen, the wrong which as a Christian he is commanded to forgive. It was ordained (with departure equally wise and just from the practice in the parent state) that the landed property of every inhabitant should be responsible for his debts; marriages were appointed to be solemnized by justices of the peace; for the prevention of disputes with the Indians, the sale of spirituous liquors to them was strictly prohibited; and for the encouragement of poor but industrious laborers, who obtained the means of emigrating



from Europe by indenting themselves as servants to more wealthy planters, every such servant was authorized to claim from his master, at the expiry of his indenture, a set of implements of husbandry, certain articles of apparel, and ten bushels of corn. To obstruct the resort of worthless and vicious persons to the province, a law was framed, requiring every new settler, under pain of a pecuniary fine, to give satisfactory evidence to a justice of the peace, that his change of residence was not the consequence of crime, nor an act of fraud, but that he was reputed a person of blameless character and sober life. From this period till the dissolution of the proprietary government, the provincial assembly continued to be annually convoked. It did not always confine itself to the exercise of the ample powers with which it was constitutionally endowed ; for when Byllinge soon after proposed to deprive Jennings, the deputy-governor, of his office, the assembly interposed to prevent this measure ; declaring that Jennings gave satisfaction to the people, and desiring him to retain his situation.<sup>1</sup> The rule and ordinary practice of the constitution, however, was that the council of assistants to the governor were nominated by the assembly ; while the proprietaries appointed the governor ; and he, with the consent of the proprietaries, named his own deputy.

The success of their experiment in the western portion of New Jersey encouraged the Quakers of Britain to avail themselves of the opportunity now afforded of enlarging the sphere of their enterprise by the acquisition of the eastern quarter of that territory. The close of Philip Carteret's administration in East Jersey was embittered by a renewal of the disputes that had once rendered him a fugitive from this province. Even the release obtained from the Duke of York served but to furnish additional materials of discord between the proprietary government and the people ; for, instead of mutually enjoying the important benefit which it conferred, the two parties set themselves to debate, with extreme virulence and pertinacity, whether this instrument or the proprietary concessions in 1664 should be regarded as the basis of the provincial institu-

<sup>1</sup> S. Smith. Proud.

tions. Disgusted with these disputes, and perceiving that they were not likely to derive either emolument or satisfaction from a prolonged administration of the proprietary government, the trustees and executors of Sir George Carteret offered the province for sale to the highest bidder ; and, closing with the proposals of William Penn<sup>1</sup> [Feb. 1682], conveyed their rights over East Jersey to him and to eleven other persons of the Quaker persuasion. The territory comprehended in this conveyance contained already a variety of settlements, inhabited by seven hundred families, or about three thousand five hundred individuals, exclusive of the inhabitants of certain remote and scattered plantations, who were computed to amount to at least half as many more. A great majority of the settlers were not Quakers ; and whether with the view of allaying the jealousy with which these colonists might regard a government administered exclusively by men whose principles differed so widely from their own, or for the purpose of fortifying their interest at the British court by the association of persons of influence in their undertaking, the twelve purchasers made haste to assume twelve other partners in the proprietary rights, and among others the Earl of Perth, chancellor of Scotland, and Lord Drummond of Gilston, the secretary of state for that kingdom.<sup>2</sup> In favor of these twenty-four proprietaries the Duke of York executed his third and last grant of East Jersey ; on receiving which, they appointed a council or committee of their own number to whom all the functions of the proprietary power were intrusted. [March, 1682.] To facilitate the exercise of their dominion, they obtained from Charles the Second a royal letter, addressed to the existing governor, council, and inhabitants of the province, unfolding the title of the propieta-

<sup>1</sup> Though Penn thus became a proprietary of East Jersey, his connection both with its concerns and with those of West Jersey was henceforward almost merely nominal. He had now acquired for himself the province of Pennsylvania, which occupied all his interest, and diverted his attention from New Jersey.

<sup>2</sup> From the dedication of Scot's *Model, &c., of East Jersey*, it appears that two other powerful Scottish nobles, Viscount Tarbet, afterwards Earl of Cromarty, and Lord M'Leod, became shortly after proprietaries of this province. In one of Oldmixon's lists of the proprietaries we find the names of Sir George Mackenzie, Lord Advocate of Scotland, whom his contemporaries justly denominated *The bloody Mackenzie*, and of West, the lawyer, who obtained an infamous distinction as a witness for the crown on the trial of Lord Russell.

ries to the provincial soil and jurisdiction, and requiring all persons to yield obedience to their authority and laws.<sup>1</sup>

At the time when East Jersey thus became subject to Quaker administration (for the Quakers still formed a majority of the associated proprietaries), the inhabitants, by a diligent improvement of their local advantages, had generally attained a flourishing and prosperous estate. The greater number of them were emigrants from New England, or the descendants of New England men; and their laws and manners, in some particulars, disclosed traces of this origin. The punishment of death was denounced by law against children striking or cursing their parents. Adulterers were subjected to flogging or banishment. Fornication was *punished*, at the discretion of the magistrate, by *marriage*, fine, or flogging. Nightwalking, or revelling abroad after nine o'clock of the evening, exposed the offenders to a discretionary punishment. A thief, for his first offence, was adjudged to restore three-fold the value of what he had stolen; in case of frequent repetition of guilt, he might be capitally punished, or reduced to slavery. There was no law for the public support of religion; but every township maintained a church and minister. "The people," said the first governor deputed to them by their Quaker sovereigns, "are generally a sober, professing people, wise in their generation, courteous in their behaviour, and respectful to us in office." So happily exempt were they from the most ordinary and forcible temptation to violence and dishonesty, that, according to the same testimony, there was not an industrious man among them whose own hands could not assure him a state of decent competence, and even of ease and plenty.<sup>2</sup> If we might rely implicitly on the opinion of this observer, we should impute the dissensions that had previously occurred in the province to the folly and mismanagement of Carteret and

<sup>1</sup> Scot. S. Smith. Chalmers.

<sup>2</sup> This testimony is confirmed by Gawen Laurie, who was the second deputy-governor under the Quaker administration. "There is not," he says, "in all the province a poor body, or that wants." "The servants work not so much by a third as they do in England; and, I think, feed much better; for they have beef, pork, bacon, pudding, milk, butter, and good beer and cider to drink. When they are out of their time, they have land for themselves, and generally turn farmers for themselves. Servants' wages are not under two shillings a day, besides victuals." S. Smith.



his associates in the government. But there is reason to believe that the blame of those dissensions was more equally divided between the people and their rulers. A headstrong and turbulent disposition appears to have prevailed among some classes, at least, of the inhabitants; various riots and disturbances broke forth even under the new government; and the utmost exertions of Quaker prudence and patience were required to compose them. A law, enacted about four years after this period, reprobates the frequent occurrence of quarrels and challenges, and interdicts the inhabitants from wearing swords, pistols, or daggers.<sup>1</sup>

Among the new proprietaries of East Jersey was Robert Barclay of Urie, a Scottish gentleman, who had been converted to Quakerism, and, in defence of his adopted principles, had published a series of works that gained the applause and admiration of all Europe. Esteemed by scholars and philosophers for the extent of his learning and the commanding force and penetrating subtlety of his judgment, he was endeared to the members of his religious fraternity by the liveliness of his zeal, the purity of his character, and the services rendered by his pen to their cause. These services consisted rather of the literary celebration which he gave to the Quaker doctrines, than of any deeper impression of their influence upon mankind. For his writings in general are much more calculated pleasingly to entertain and dazzle the understanding, than to produce solid conviction, or sink into the heart. To the king and the Duke of York he was recommended not less by his distinguished fame and his happy genius and address, than by the principles of passive obedience professed by that sect of which he was considered a leader; and with both the royal brothers, as well as with several of the most distinguished of their favorites and ministers, he maintained the most friendly and familiar intercourse. Inexplicable as such a coalition of uncongenial characters may appear, it seems at least as strange a moral phenomenon to behold Barclay and Penn, the votaries of universal toleration and philanthropy, voluntarily associating in their labors for the education and happiness of an infant community

<sup>1</sup> S. Smith.

such instruments as Lord Perth and other abettors of royal tyranny and ecclesiastical persecution in Scotland.<sup>1</sup>

By the unanimous choice of his colleagues, Robert Barclay was appointed the first governor of East Jersey under the new proprietary administration. [July, 1683.] So high was the repute which he enjoyed, and so much advantage was anticipated from his superintendence of the colony, that his commission bestowed the office on him for life; and while it dispensed with his personal residence,<sup>2</sup> authorized him to nominate his own deputy. But the expectations which produced or attended his elevation were disappointed by the result; his government (like that of Sir Henry Vane in Massachusetts) was brief and ill-fated, and calculated rather to lower than to advance his illustrious reputation. The most signal and beneficial event of his presidency was the emigration of a considerable number of his countrymen, the Scotch, to East Jersey, — a measure, which, however congenial it may appear to the circumstances of that oppressed and persecuted people, they were not persuaded to adopt but by dint of much exhortation and importunity. For, although a vast majority of the people of Scotland were dissatisfied with the Episcopal establishment which their king had forced upon them, and great numbers were enduring the utmost rigors of tyranny for their resistance to it, it was found no easy matter to persuade them to seek relief from their sufferings in a distant and perpetual exile from their native land.<sup>3</sup> In addition to the motives to emigration which the severities exercised by Lord Perth and the other royal ministers contributed to supply, the influence of Barclay and other Scottish Quakers was successfully employed in prevailing with their countrymen to accept an asylum in East Jersey; and thither, accordingly, a band of emigrants, chiefly from Barclay's native county of Aberdeen, soon after resorted. [1684.] For

<sup>1</sup> See Note IX., at the end of the volume.

<sup>2</sup> Oldmixon is mistaken in asserting that Barclay himself repaired and carried his family with him to the province. Barclay never was in New Jersey. Soon after his appointment, he sent thither his brother David, some of whose letters from the province are printed in S. Smith's *History*.

<sup>3</sup> Howbeit, we have seen (*ante*, Book IV., Chap. II.) a troop of Scottish emigrants conducted by Lord Cardross to Carolina in 1683. Probably the Scottish adventurers whom Cardross collected were persons of different character from those whom Quakers desired to attract to New Jersey.

the purpose of rendering the Scotch more generally acquainted with the state of the colonial territory and the nature of its institutions, and of inciting them to remove thither, it was proposed by the proprietaries to publish a historical and statistical account of it, with a preliminary treatise in which the prevailing objections to emigration should be combated, and this resource exhibited in a more favorable light than that in which the Scotch were generally disposed to regard it. From undertaking the entire or avowed authorship of this performance Barclay was probably deterred by knowing, that, as a Quaker, his estimate of the popular objections, some of which were founded on religious considerations, would find little favor with the bulk of his countrymen, as well as by unwillingness to entangle himself with allusions to the existing persecution, which he could hardly have characterized in a manner satisfactory at once to his own conscience and to Lord Perth and others of his proprietary associates, who were actually at the time administering in Scotland the rigor of a law inflicting *banishment to the plantations* on every person who declined to give evidence, when required, against the frequenters of conventicles.

To the work which was now composed and published, in furtherance of Barclay's and his colleagues' design, it is probable that he contributed some assistance ; and, indeed, the inequality of the performance attests that it was not wholly the composition of a single author. It was published as the production of a Scottish gentleman, George Scot of Pitlochrie, and bore the title of *The Model of the Government of the Province of East New Jersey in America*. From various passages in this work, it appears that many of the Scotch were prepossessed with the notion, that to emigrate from their native land, without some extraordinary interposition of heavenly direction, was an impious revolt from the lot which the Almighty had assigned to them. In opposition to this view, a large and ingenious commentary was made on the divine command to replenish and subdue the earth ; and it was argued, that, as this was an eternal law, the duty to fulfil it was of continual obligation, and required no additional manifestation of celestial sanction. Among other incitements to emigration, it is remarked, that " We see by nature trees flourish fair, prosper well, and wax fruitful in a



large orchard, which would otherwise decay if they were straitened in a little nursery. Do we not see it thus fall out in our civil state, where a few men flourish best, furnished with abilities or best fitted with opportunities, and the rest wax weak, and languish, as wanting room and means to nourish them? Now, that the spirits and hearts of men are kept in better temper by spreading wide will be evident to any man who considers that the husbanding of unmanured ground and shifting into empty lands enforceth men to frugality and quickeneth invention; and the settling of new estates requireth justice and affection to the common good; and the taking in of large countries presents a natural remedy against covetousness, fraud, and violence, when every man may enjoy enough without wrong or injury to his neighbour.” The heads of ancient families were exhorted to embrace this opportunity of cheaply endowing their younger sons with a more liberal provision in America than the laws and usages of Scotland enabled them to bestow at home.<sup>1</sup> In reply to an objection which had been urged, that a province governed by Quakers must be left unprovided of the means of military defence, it was stated that several of the proprietaries and many of the inhabitants did not belong to the Quaker persuasion, and that East Jersey already possessed a militia of 600 men. The argument derived from the severities inflicted by the British government on the Presbyterians is handled in a very courtly style. “You see it is now judged the interest of the government altogether to suppress the Presbyterian principles; and that, in order thereto, the whole force and bensil of the law of this kingdom are levelled at the effectual bearing them down; that the rigorous putting these laws in execution hath in a great part ruined many of these, who notwithstanding thereof find themselves in conscience obliged to retain these principles; while, on the other hand, Episcopacy is by the same laws supported and protected. I would gladly know what other rational medium can be proposed, in these circumstances, than either to comply with the government, by going what length is required by law, in conforming;

<sup>1</sup> Whether this advice was regarded or not, it is certain, that, both before and after the present period, many cadets of titled families, both in England and Scotland, resorted to America, where some distinguished republican heroes and patriots have sprung from the transplanted scions of feudal nobility in Europe.

or to retreat, where by law a toleration is by his Majesty allowed. *Such a retreat doth at present offer itself in America, and is nowhere else to be found in his Majesty's dominions.*" What an encomium on America, at the expense of every other portion of the British empire ! The work contains a minute account of the climate, soil, institutions, and existing settlements of East Jersey, and an elaborate panegyric on its advantages in all these particulars. As a farther recommendation of the province to the favor of the Scotch, Barclay [1685], displacing a deputy whom he had appointed, of his own religious persuasion, conferred this office on Lord Neil Campbell, uncle of the Marquis of Argyle, who repaired to East Jersey, and remained there for some time as its lieutenant-governor.

The efforts of Barclay and his colleagues were crowned with success. A great many inhabitants of Scotland emigrated to East Jersey, and enriched American society with a valuable accession of virtue refined by adversity, and of piety invigorated by persecution. The more wealthy of the Scottish emigrants were noted for the accompaniment of a numerous retinue of servants and dependents ; and, in some instances, they incurred the expense of transporting whole families of poor laborers, whom they established on their lands for a term of years, and endowed with a competent stock ; receiving in return one half of the agricultural produce.<sup>1</sup>

But James the Second now ascended the British throne ; and practically inverting the magnanimous sentiment that has been ascribed to a French monarch, he deemed it unnecessary for a king of England to respect the engagements of the Duke of York ; nor could all his seeming friendship for Barclay, together with all the influence of Lord Perth and the other courtier proprietaries, deter him from including New Jersey in the design which he had formed of annulling the charters and constitutions of the American colonies [1686]. A real or fictitious

<sup>1</sup> Scot. Oldmixon. S. Smith. The convulsions that preceded the assassination of De Witt and the triumph of the Prince of Orange in Holland drove many respectable Dutch families from their native land. Most of these exiles retired to North America. Sonmans, a member of the States General, had proceeded to England with this view, when he was overtaken by the sanguinary fury of the Orange faction, and murdered by their emissaries, as he was riding with Robert Barclay the Quaker, in the neighbourhood of London. His family, however, finally reached New Jersey. S. Smith.

charge of smuggling was preferred to the English court against the inhabitants of the Jerseys ; and the ministers of James, readily seizing this handle, without farther ceremony caused writs of *quo warranto* to be issued against both East and West New Jersey, and directed the attorney-general to prosecute them with the utmost stretch of legal expedition ; assigning, as the explanation or apology of their conduct, the necessity of checking the pretended abuses “ in a country which ought to be more dependent on his Majesty.” Alarmed at this demonstration, the proprietaries of East Jersey presented a remonstrance to the king, in which they reminded him that they had not received the grant of the province as a benevolence, but had acquired it by purchase, and were encouraged to do so by the assurances of protection which they received from himself ; they declared that they had already sent thither several hundreds of people from Scotland ; and that they were willing to correct whatever might be found amiss in the conduct of affairs within the province, and particularly, if it would be satisfactory to his Majesty, would now require their provincial assembly to adopt the same regulations against smuggling that were established at New York. They entreated, that, if any change should be made in the condition of their province, it might be confined to a union of East and West Jersey in one jurisdiction, to be ruled by a governor whom the king might select from the body of proprietaries. [1687.] But James was inexorable ; and to their remonstrance returned no other answer than that he had determined to unite the Jerseys with New York and the New England States in one general government dependent on the crown and administered by Andros. Finding it impossible to divert him from his arbitrary purpose, the proprietaries of East Jersey were so far deserted of spirit and dignity, as not only to abandon a hopeless contest for the privileges of their people, but even to facilitate the execution of the king’s designs against them, as the price of his consenting to respect their own private property in the colonial soil. [April, 1688.] They made a formal surrender of their patent on this condition ; and as James agreed to accept it, the prosecution of the *quo warranto* process was no longer needed for East Jersey, and was even suspended with regard to the western territory. Seeing no



resistance opposed to his will, the king was the less intent on consummating his acquisition ; and while the grant of the soil to the proprietaries, which was necessary for this purpose, still remained unexecuted, the completion of the whole design was arrested by the British Revolution.<sup>1</sup>

Although the proprietary governments in New Jersey were preserved for a time from dissolution by this event, they never afterwards possessed vigor or efficiency. Robert Barclay, who seems to have retained during his life the government of East Jersey, died in 1690 ; but no traces of his administration are to be found after the year 1688 ; and from thence till 1692, it is asserted by Chalmers that no frame of government at all existed in New Jersey. The peace of the country was preserved, and the prosperity of its inhabitants promoted, by their own honesty, sobriety, and industry. Almost all the original proprietaries of both provinces had in the mean time disposed of their interests to recent purchasers ; and the proprietary associations became so numerous<sup>2</sup> and so fluctuating, that their policy was deprived of proper concert and steadiness, and their authority obtained neither the respect nor the affection of the people. The appointment of new proprietary governors in 1692 proved the commencement of a series of disputes, intrigues, and vicissitudes of office, which in a commonwealth more populous or less virtuous would probably have issued in civil war and bloodshed. The government of New York, which, on account of its dependence on the crown, was encouraged by King William to arrogate a preëminence over the neighbouring chartered colonies, reckoned this a favorable opportunity of reviving, and even extending, its ancient pretensions in New Jersey, whose inhabitants learned with equal surprise and indignation that the assembly of New York had included them in a taxation which it imposed on its own constituents. This last attempt, however, was not more successful than the previous instances in which New York made similar efforts to usurp an undue authority. A complaint to the English government on the subject was referred to the crown law-

<sup>1</sup> S. Smith. Chalmers.

<sup>2</sup> "The shares and parts of shares had been so divided and subdivided, that some of the proprietors owned but *one fortieth part of a forty-eighth part of a twenty-fourth share.*" Pitkin.

yers, who delivered an opinion that produced an abandonment of the pretensions of New York.<sup>1</sup> [June, 1697.] At length the disagreements between the various proprietaries and their respective adherents attained such a height, and were productive of so much schism and confusion, that it was sometimes difficult, if not impossible, for the people to ascertain in which of two or more rival pretenders to authority the legal administration was truly vested.<sup>2</sup> Numerous complaints of the inconvenience occasioned by this state of matters were addressed by the inhabitants of the Jerseys to the British court [1700] ; and the proprietaries themselves, finding that their seigniorial functions tended only to disturb the harmony of the provincial community, and to obstruct their own emoluments as owners of the soil, hearkened willingly to an overture from the English ministers for a surrender of their powers of government to the crown. [April, 1702.] This surrender was finally arranged and accomplished in the commencement of the reign of Queen Anne, who straightway reunited East and West Jersey into one province, and committed the government of it, as well as of New York, to her kinsman, Edward Hyde, Lord Cornbury.<sup>3</sup>

The commission and instructions which this nobleman received, on his departure from England, present an abstract of the political state of New Jersey from the resumption of its charter till the termination of its connection with the British empire. The provincial government was appointed to con-

<sup>1</sup> Sir John Hawles and Sir Cresswell Levinz were the lawyers consulted on this occasion. The opinion they delivered was, "that no customs could be imposed on the people of the Jerseys, otherwise than *by act of parliament* or their own assemblies."

<sup>2</sup> Obedience was refused by a considerable party to one governor, because it was doubted if a majority of the proprietaries had concurred in his nomination ; to another, because it was denied that his appointment had been ratified by the king ; and to a third (notwithstanding the precedent of Barclay's and of Lord Neil Campbell's administrations), because, being a Scotchman, it was questioned if he were legally capable of holding office in an English colony.

<sup>3</sup> Oldmixon. S. Smith. Chalmers. *State Papers, apud eundem*. Although the proprietaries persisted in terming this surrender a voluntary act, and asserting their right to have retained the government if they had pleased so to do, they appear to have been swayed in some measure by the threat of an expensive suit with the crown, which had determined to bring the validity of their pretensions to trial. In the instrument of surrender, the queen, while she declares her gracious acceptance of the powers resigned to her by the proprietaries, expressly refuses to acknowledge that these powers ever legally belonged to them.

sist of a governor and twelve counsellors nominated by the crown, and of a house of assembly consisting of twenty-four members elected by the people. The sessions of this assembly were held alternately in East and in West Jersey. No persons were capable of voting for representatives in the assembly, but colonists possessing a hundred acres of land, or personal property to the value of fifty pounds; and none were eligible, but colonists possessing a thousand acres of land, or personal property worth five hundred pounds. The laws enacted by the council and assembly were subject to the negative of the governor; but if approved by him, they were to be immediately transmitted to England, there to be finally affirmed or disallowed by the crown. The governor was empowered to suspend any of the members of council from their functions, and to supply vacancies in their number; and, with consent of this body, to constitute courts of law, to appoint all civil and military officers, and to employ the forces of the province in hostilities against public enemies. To the assembly there was communicated the royal desire, that it should impose taxes sufficient to afford *a competent salary* to the governor, to defray the salaries of its own members and of the members of council, and to support all the other provincial establishments and expenditure; the prescribed style of all money bills being, that the sums contained in them were granted to the crown, with the humble desire of the assembly that they might be applied for the benefit of the province; and all moneys so raised were to be paid into the hands of the receiver of the province, till the royal pleasure should be signified with regard to their actual distribution. The former proprietaries of New Jersey were confirmed in their rights to the estates and quitrents which they had previously enjoyed; and none but they and their agents and surveyors were permitted to purchase lands from the Indians. Liberty of conscience was assured to all men, *except Papists*. Quakers were declared to be eligible to every municipal office; and their affirmation was accepted in lieu of the customary oaths. The governor was invested with the right of presentation to all ecclesiastical benefices. He was required to extend particular favor and patronage to all ministers of religion in connection with the church of England, and to "take espe-



cial care that God Almighty be devoutly and duly served." It will excite more regret than surprise, to see combined with, and almost in immediate sequence to, this display of royal zeal for the interests of religion<sup>1</sup> and the honor of God, a requisition to the governor, that, in promoting trade, he should especially countenance and encourage the Royal African Company of England, — a mercantile association that had been formed for the piratical purpose of kidnapping or purchasing negroes in Africa, and selling them as slaves in the American and West Indian plantations. It was declared to be the intention of her Majesty "to recommend unto the said company that the said province may have a constant and sufficient supply of merchantable negroes at moderate rates"; and the governor was required to compel the planters duly to fulfil whatever engagements they might contract with the company. He was farther directed to cause a law to be framed for restraining inhuman severity to slaves, and attaching a capital punishment to the wilful murder of them; and to take every means in his power to promote the conversion of these unfortunate persons to the Christian faith. *All printing was prohibited* in the province without a license from the governor. In all lawsuits where the sum in dependence exceeded a hundred pounds, an appeal was admitted from the provincial courts to the governor and council; and when it exceeded two hundred pounds, a farther appeal was competent to the privy council of England.<sup>2</sup>

The instructions to Lord Cornbury contain reiterated protestations of the queen's sincere desire to promote peace, goodwill, and contentment among her American subjects; but this desire accorded as ill with the disposition and qualifications of the individual to whom she remitted its accomplishment, as her professed anxiety to mitigate the evils of slavery did with her actual endeavour to diffuse this mischievous institution more widely in her dominions. Of the character and policy of Lord Cornbury we have already seen a specimen in the history of New York. If the people of New Jersey had less reason to complain of him, it was only because his avocations at New York compelled him generally to delegate his functions in the

<sup>1</sup> See Note X., at the end of the volume.

<sup>2</sup> S. Smith.

other province to a deputy ; and because the votaries of his favorite institution, the church of England, were too few in New Jersey, and perhaps too honest and unambitious, to afford him the materials of a faction whose instrumentality he might have employed in oppressing and plundering the rest of the community. His distinguished name and rank, his near relationship to the queen, and the advantage he derived from appearing as the substitute of a government which had become universally unpopular, gave him at first an influence with the people of New Jersey, which a man of greater virtue might have rendered conducive to their felicity, and a man of greater ability might have improved to the subjugation of their spirit and the diminution of their liberty. But all the illusions that attended his outset among them were speedily dispelled by acquaintance with his character and experience of his administration. From the period of his appointment till the recall of his commission, the history of New Jersey exhibits little else than a detail of the controversies, now long forgotten, in which he involved himself with the provincial assemblies ; and a display of the spirit and resolution with which these assemblies resisted his arbitrary violence, condemned his partial distribution of justice, and exposed his fraudulent misapplication of the public money. To none of the inhabitants was his administration more oppressive than to the Quakers, who were harassed with numerous prosecutions for refusing, in conformity with their religious tenets, to assemble at the musters of the provincial militia. Though he was unable to place himself at the head of a party in this province, he prevailed, partly by bribery and partly by intimidation, on some of the provincial counsellors to subscribe an address to himself, commencing in these terms : — “ Your Lordship has not one virtue or more, but a complete accomplishment of all perfections, ” — and expressing the most loyal abhorrence of the factious stubbornness of their fellow-colonists. This ridiculous production, which he termed *The Humble Address of the Lieutenant-Governor and Council of New Jersey*, proved satisfactory to the British government, and enabled him for some years to defy the hatred of the colony. But at length, after repeated complaints, the queen was compelled to sacrifice him to the universal indignation he had

provoked ; but not till he had very effectually, though most unintentionally, contributed, by a wholesome discipline, to awaken and fortify a vigorous and vigilant spirit of liberty in two of the colonies which were most immediately subjected to the influence of the crown. He was superseded, in 1708, by Lord Lovelace, who was at the same time appointed his successor in the government of New York.<sup>1</sup>

The attractions which the neighbouring province of Pennsylvania presented to the English Quakers, and the cessation which the British Revolution produced of the severities that had expelled so many Protestant Dissenters from both England and Scotland, prevented the population of New Jersey from advancing with the rapidity which its increase at one period seemed to betoken. Yet, at the close of the seventeenth century, the province is said to have contained twenty thousand inhabitants, of whom twelve thousand belonged to East, and eight thousand to West Jersey.<sup>2</sup> It is more probable that the total population amounted to about fifteen thousand persons. Of these, a great majority were Quakers, Presbyterians, and Anabaptists. The militia of East Jersey amounted, at this period, to 1,400 men. There were two ministers of the church of England in the province ; but their followers were not sufficiently numerous and wealthy to provide ecclesiastical edifices.<sup>3</sup> New Jersey is said to have witnessed an unusually long subsistence of varieties of national character among its inhabitants. Patriotic attachment and mutual convenience had generally induced the emigrants from different countries to settle in distinct societies ; a circumstance which promoted among them the preservation of their peculiar national manners and customs. Kalm, the traveller, has preserved a very agreeable picture of the rural life and domestic habits of his countrymen, the early Swedish colonists of New Jersey and Delaware. They are said to have been less tenacious of their national peculiarities than the Dutch,

<sup>1</sup> S. Smith. "I confess," says Oldmixon, in the second edition of his work, "it gives me a great deal of pain, in writing this history, to see what sort of governors I meet with in the plantations."

<sup>2</sup> Warden's estimate of the population is much lower. He says, that, until the peace of Utrecht, in 1713, New Jersey never possessed more than 16,000 inhabitants. But his account of this province displays great negligence and inaccuracy. Holmes reports the population to have amounted to 15,000 in the year 1701.

<sup>3</sup> Oldmixon.



and to have copied very early the manners of the English. Notwithstanding some symptoms of a turbulent and refractory disposition which were evinced by a portion of the East Jersey population during the subsistence of the proprietary government, a much more reasonable and moderate temper seems to have generally characterized the people of both parts of the united province; whereof a strong testimony is afforded in the harmony which attended their union by the act of the crown in 1702, and which even the mischievous agency of such a promoter of discord as Lord Cornbury was unable to disturb. Though separated from each other by differences of religious denomination, the inhabitants of the eastern and western territories were assimilated by the habits of industry and frugality peculiar alike to the national character of the Scotch and to the sectarian usages of the Quakers; and the prevalence of these habits, doubtless, contributed to maintain concord and tranquillity among the several races of people. Yet they were always distinguished by the steadiness and ardor of their attachment to liberty, and a promptitude to assert those generous principles which had been interwoven with the earliest elements of political society in New Jersey. It is disagreeable to remember that this manly appreciation of their own rights was not always accompanied with a proportionate consideration of the rights of others. Negro slavery was established in New Jersey; though at what precise period or by what class of the planters it was first introduced, we have not now the means of ascertaining. In spite of the royal patronage which we have beheld this baneful system receive, it never attained more than a very insignificant prevalence throughout the territory. Even the Quakers in this province, as well as in Pennsylvania, became proprietors of slaves; but their treatment of them was generally distinguished by a relenting tenderness and humanity; and so early as the year 1696, the leading members of the Quaker society of New Jersey united with their brethren in Pennsylvania in recommending (though ineffectually) to their fellow-sectaries to desist from the employment or at least from the farther importation of slaves.<sup>1</sup>

<sup>1</sup> Kalm's *Travels* Winterbotham. Clarkson's *History of the Abolition of the Slave-trade*.

This interesting subject will demand more particular consideration in the history of Pennsylvania.

New Jersey, at the close of the seventeenth century, had been for some time in possession of an increasing trade ; but of the extent of its commerce at this period no accurate estimate can be formed. The exports from the province consisted of agricultural produce (including rice), with which it supplied the West India islands, furs, skins, and a little tobacco for the English market, and oil, fish, and other provisions, which were sent to Spain, Portugal, and the Canary Isles.<sup>1</sup> Blome, whose account of the American provinces was published in 1686, remarks, that the town of Burlington even then gave promise of becoming a place of considerable trade. The stateliness of the public edifices, and the comfort and elegance of the private dwellings that composed this town, are highly commended by a writer whose account of the province was published about ten years later than the work of Blome. It possessed already a thriving manufacture of linen and woollen cloth.<sup>2</sup> This manufacture, which was also introduced at an early period into Pennsylvania, so soon aroused the jealousy of the parent state, that in the year 1699 an act of parliament was passed prohibiting the exportation of wool and woollen manufactures from the American colonies, under a penalty of five hundred pounds for each violation of the law, in addition to the forfeiture of the offending ship and cargo.<sup>3</sup>

It is alleged by some writers, that, till a very late period, the inhabitants of New Jersey betrayed a general neglect of education, together with a coarse indifference to all improvement in the arts of life, and particularly in their system of agricultural labor. This reproach has been applied more especially to the descendants of the Dutch settlers. Yet the college of Princeton was founded so early as the year 1738 ; the people have always enjoyed a high reputation for piety, industry, economy,

<sup>1</sup> Gabriel Thomas's *History of West New Jersey*. Oldmixon. Blome celebrates the excellence of the New Jersey tobacco.

<sup>2</sup> Blome. G. Thomas. Thomas, who was familiar with the grandeur of London, mentions, among other considerable edifices, "the great and stately palace" built and inhabited by a planter in the neighbourhood of Burlington. See Note XI., at the end of the volume.

<sup>3</sup> Anderson's *Historical and Chronological Deduction of the Origin of Commerce*.

and good morals ; and no colonial community, even in North America, has witnessed a wider diffusion, among all classes of its inhabitants, of the comforts and conveniences of life.<sup>1</sup> It has been noted as a singular peculiarity in their manners, that women in this province engrossed for a long time a considerable share in the practice of the medical art, and, except in cases of great difficulty and importance, were the only physicians whom the inhabitants had recourse to.<sup>2</sup> This usage reminds us of that romantic system of manners, during the prevalence of which the softness of female service was so often blended with the ministrations of medical science by the high-born damsels who graced the age of chivalry.

It was a fortunate circumstance for the inhabitants of New Jersey, that the conterminous Indian tribes were inconsiderable in number, and almost always willing to cultivate friendly relations with the Europeans. The gravity, simplicity, and courtesy of Quaker manners were particularly agreeable to those savages. Samuel Smith, the historian of this province, has preserved an account of a visit paid by an aged Indian king to the inhabitants of Burlington, in the year 1682. Being attacked during the visit with a mortal distemper, the old man sent for the heir of his authority, and delivered to him a charge replete with prudent and reasonable maxims. Thomas Budd, a Quaker, and one of the proprietaries of the province, was present on this solemn occasion, and “ took the opportunity to remark that *there was a great God who created all things ; that he gave man an understanding of what was good and bad ; and after this life rewarded the good with blessings, and the bad according to their doings.* The king answered, *It is very true ; it is*

<sup>1</sup> Winterbotham. Warden.

<sup>2</sup> Warden. Whether this usage was the effect or the cause of the remarkable healthiness of the people of New Jersey may admit of a doubt. But it certainly betokens a remarkable degree of respect for the female sex. Of this sentiment another very singular testimony was afforded, even so late as the commencement of the nineteenth century, by a law which extended the elective franchise in New Jersey to women. The New Jersey women, however, showed themselves worthy of the respect of their countrymen, by generally declining to avail themselves of this preposterous proof of it. Yet, according to the statement of Harriet Martineau, in her work entitled *Society in America*, a number of New Jersey women actually attended elections and gave their votes. The law that invited such absurdity was repealed a few years after its enactment. “ I do not believe,” says Dr. Dwight, “ that a single woman, bond or free, ever appeared at an election in New England since the colonization of the country. It would be as much as her character was worth.”



*so ; there are two ways, a broad and a strait way ; there are two paths, a broad and a strait path ; the worst and the greatest number go in the broad ; the best and fewest in the strait path.* This king, dying soon afterwards, was attended to his grave, in the Quakers' burial-place in Burlington, with their national solemnities, by the Indians, and with tokens of respect by many of the English settlers."<sup>1</sup>

In the year 1695, the governor's salary in East Jersey was one hundred and fifty pounds ; in West Jersey, two hundred pounds. From the year 1702, when the two provinces were united and surrendered to the crown, till the year 1738, the government of New Jersey was always committed to the same individual who enjoyed the corresponding authority at New York ; and during that period the salary attached to the office of governor in New Jersey was six hundred pounds.<sup>2</sup>

<sup>1</sup> Oldmixon. S. Smith.

<sup>2</sup> S. Smith.

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# BOOK VII.

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PLANTATION AND PROGRESS

OF

PENNSYLVANIA AND DELAWARE,

TILL THE BEGINNING OF

THE EIGHTEENTH CENTURY.



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## BOOK VII.

### PENNSYLVANIA AND DELAWARE.

#### CHAPTER I.

Birth and Character of William Penn.—He solicits a Grant of American Territory from Charles the Second.—Charter of Pennsylvania.—Object and Meaning of the Clauses peculiar to this Charter.—English and American Opinions thereon.—Penn's Policy to people his Territories.—Emigration of Quakers to the Province.—Letter from Penn to the Indians.—Penn's first Frame of Government for the Province.—Grant of Delaware by the Duke of York to Penn—who sails for America—his joyful Reception there.—Numerous Emigrations to the Province.—First Legislative Assembly.—Pennsylvania and Delaware united.—Controversy with Lord Baltimore.—Treaty with the Indians.—Second Assembly—new Frame of Government adopted.—Philadelphia founded.—Penn's Return to England—and Farewell to his People.

WILLIAM PENN, so renowned as a patriarch and champion of the Quakers, and a founder of civilized society in North America, was the son of that naval commander, who, under the protectorate of Cromwell, enlarged the British dominions by the conquest of Jamaica. [October 14, 1644.] This was the first colony that England acquired by her arms. New York was the next: for Acadia, though conquered in the interim by Cromwell's forces, did not then become an English settlement, and was surrendered by Charles the Second, soon after his restoration. It is another example of the strange concatenation of human affairs, that the second instance of the acquisition of a colony by the British arms should have been the means of introducing the son of the first conqueror as a Quaker colonist and a preacher of peace in America.

His father, who attained the dignity of knighthood and the rank of an admiral, was the descendant of a respectable English

family. Devoting himself to the naval service of his country in the commencement of the civil wars, he espoused the cause of the parliament, and subsequently adhered to the fortunes of Cromwell. From a humble station in the service of these authorities, he was promoted to a dignified and important command; and in the war with Holland, he coöperated in the achievements and partook the renown of the illustrious Admiral Blake. He gained the esteem of the Protector, and retained it till the failure of the expedition which he conducted against St. Domingo. It is asserted very confidently by some historians, and particularly by all the Quaker writers, that this disaster was occasioned by the fault of Venables, who commanded the land forces, and could not fairly be attributed to Admiral Penn: but Cromwell, who understood military affairs better than these writers can be supposed to have done, was so far from acquitting the admiral of blame, that he imprisoned him in the Tower, and never afterwards intrusted him with any public employ.<sup>1</sup> This circumstance, perhaps, contributed to the favor which he enjoyed at court after the Restoration; when he scrupled not to accept title and employment from a government that stigmatized the service in which he was previously engaged, by the insults it heaped on the memory of Blake.<sup>2</sup> It is alleged of him by Bishop Burnet, that he earned the friendship of the Duke of York, with whom he commanded at sea in the Dutch war of 1665, by dexterously enabling this prince to avoid a renewed action with the enemy's fleet, without having seemed to decline it. Other writers, and especially those who profess the tenets

<sup>1</sup> *Lord Clarendon's Life.* Holmes.

<sup>2</sup> In alluding to the history and character of his father, William Penn is divided between a natural elation at his republican honors, and an unwillingness to have him considered an associate of republicans and antagonist of royalty. "From a lieutenant," says the son, "he passed through all the eminent offices of sea employment, and arrived to that of general about the thirtieth year of his age; in a time full of the biggest sea actions that any history mentions; and when neither bribes nor alliance, favor nor affection, but ability only, could promote." He adds, however, — "He was engaged both under the parliament and king; but not as an actor in the domestic troubles; his compass always steering him to eye a national concern, and not intestine wars. His service, therefore, being wholly foreign, he may be truly said to serve his country, rather than either of these interests, so far as they were distinct from each other." Proud's *History of Pennsylvania*. Oldmixon (2d edition) thus characterizes the admiral: — "He was a strong Independent, and so continued till the Restoration; when, finding religion and liberty at the mercy of their enemies, he very quickly made his peace with King Charles and the Duke of York."



or patronize the fame of his son, have affirmed that the admiral owed his favor with the king and the duke to no other recommendations than those of his eminent valor and abilities. He was impeached, in 1668, by the House of Commons, for embezzling prize money ; but, from some unexplained circumstance, the impeachment was permitted to drop.<sup>1</sup>

The favor which he enjoyed at court, whatever might be the source of it, was so considerable, as to authorize the most ambitious hopes of the advancement of his son, and proportionally to embitter his disappointment at beholding the young man embrace a profession of faith which not only excluded its votaries from official dignity, but exposed them to the severity of penal law, the displeasure of churchmen, and the derision of courtiers. The younger Penn's predilection for the Quakers, first excited by the discourses of one of their itinerant preachers, was manifested at the early age of sixteen, with so much warmth and impetuosity, as to occasion his expulsion from the University of Oxford. His father endeavoured to prevail with him to abandon principles and manners so ill calculated to promote his worldly grandeur ; and, finding arguments ineffectual, resorted to blows, and even banished him from his house, with no better success. Along with the peculiarities of Quakerism, the young convert had received the first profound impression which he ever experienced of the truth and importance of Christianity ; and both were for ever inseparably blended together in his mind. The treatment he underwent from his father tended to confirm his belief that Quakerism was a revival of that pure and primitive Christianity which was fated to occasion the division of households and the dissolution of the strongest ties of natural affection. At last, the admiral devised a method of sapping the principles which he could not overthrow ; and, for this purpose, sent his son to travel, with some young men of quality, in France, then the gayest and most licentious country of Europe. This device, which reflects little credit on the parental concern by which it was prompted, was attended with apparent success. Quakerism and Christianity were checked alike, for a time, in the mind of Penn, who returned to his gratified father with the

<sup>1</sup> Howell's *State Trials*.

manners of an elegant gentleman and the sentiments of a man of pleasure.<sup>1</sup> But, having repaired, in the year 1666, to Ireland, in order to inspect an estate that belonged to his family in this country, it was here again his fate to meet with the same itinerant preacher who had exercised so much influence on him six years before, at Oxford. His former designation of mind was now reproduced with deeper conviction and increased zeal and energy ; and speedily elicited from him a public, solemn, and resolute profession of his espousal of the principles and practices of the Quakers. In vain were his father's instances once more repeated, and the temporal dignities which seemed only to wait his acceptance pressed with fond and pathetic earnestness on his regard. It was even in vain that the admiral, despairing of farther concession, restricted his solicitation to such a slender compliance with the usages of the world, as that his son should uncover his head in the presence of the king, the Duke of York, and his parents. Penn's eye was now elevated to the contemplation of objects so glorious and exalted as to eclipse the lustre of earthly grandeur and dissipate the illusions of temporal distinction ; and his resolution (hardened by an early experience of imprisonment, and other legal severities) was wound up to such a pitch of firmness and intensity, that he refused to lay even a single grain of incense on what he deemed an unhallowed altar of human arrogance and vanity. He now devoted all the large resources of his capacity to the defence

<sup>1</sup> To reconcile this well authenticated conduct of the admiral with the interest which Quaker writers have displayed in defence of his reputation, it is necessary to remember that he is said to have died a convert to Quaker principles, and to have prophesied to his son that these principles, calmly and patiently supported, would finally triumph over all opposition. Proud. Clarkson.

It must be considered, also, that the demeanour of the young convert was not at first entirely unexceptionable. From Oldmixon's account of Penn's expulsion from Oxford, it appears that his first espousal of Quakerism was signalized by a display of primitive Quaker turbulence. "He was a student at Christ Church, Oxon., when an order came down thither, after the king was restored, that the surplice should be worn according to the laudable custom of ancient times. Young Mr. Penn having engaged the young Lord Spencer, his fellow-collegian, afterwards that great politician, Robert Earl of Sunderland, and some other young gentlemen, to join with them, they fell upon the students who appeared in surplices, and pulled them over their heads." Oldmixon (2d edition).

There is no account of William Penn having ever complied so far with the wishes of his father as to enter into the army. Yet I have seen an original portrait of him in the house of his descendant at Stoke, in Buckinghamshire, representing him, at the age of twenty-two, attired in complete armor.

and propagation of the Quaker tenets, and sacrificed his temporal ease and enjoyment to the illustration of the Quaker virtues, — with a success that has gained for him a renown more brilliant and extended than the ambition of his father ever ventured to hope, or the utmost favor of his sovereign could have conferred.

It would not be easy to figure a more interesting career than that which is exhibited in the greater portion of his subsequent life. He travelled over many parts of Europe, and even extended his personal labors to America ; and everywhere, from the courts of German princes to the encampments of Indian savages, we find him overcoming evil by good, and disarming human violence and ferocity by gentleness, patience, and piety. In his exterior appearance and address, were combined, in an unusual degree, a venerable dignity and gravity of aspect, with a frank, cheerful simplicity of manner, and a style of language fraught with plainness, vigor, and good-humor. His face was a very uncommon one, and its lineaments, though by no means fine, were far from unpleasing, and were rendered by their peculiarity more deeply and lastingly impressive. With the general corpulence which his frame attained as he advanced in years, his face underwent a proportional enlargement of its dimensions ; and while his eye expressed considerate thought and strength of understanding, the amplitude and regularity of the rest of his features seemed to indicate an habitual tranquillity of spirit. A mind so contemplative, and a life so active, — such a mixture of mildness and resolution, of patience and energy, of industry and genius, of lofty piety and profound sagacity, — have rarely been exemplified in the records of human character. The most pious and the most voluminous, he was also, next to Robert Barclay, the most learned and ingenious writer in defence of Quakerism ; and, at the same time, next to George Fox, the most indefatigable minister that the Quakers of Britain have ever possessed. He contrived to exhibit at once the active and passive virtues suitable to a champion and a confessor of Quakerism ; and the same prisons that witnessed his patient suffering for the rights of his brethren were also the scenes of his most elaborate literary efforts for their instruction. Among other Quaker peculiarities, his writings



are distinguished by a tedious prolixity ; yet not much more so than the productions of the most celebrated contemporary authors of different religious persuasion. They abound with numerous passages replete alike with the finest eloquence and the most forcible reasoning, engaging benevolence and fervent piety. He was deeply infected with the doctrinal errors of the Quakers ; yet more deeply imbued with the spirit of divine truth than many who profess to hold it devoid of such appendages ; and, notwithstanding the tendency of these doctrinal errors to lead men who have thoroughly embraced them into frantic and indecent excesses, there were none of the Quaker leaders who contributed more signally than Penn to the establishment of a system of orderly discipline throughout the sectarian society. This was a work of such difficulty, and so repugnant to the sentiments of many who regarded discipline as an encroachment upon the sovereignty and freedom of spiritual communication, that all the influence of Penn's character and address, and all the weight he derived from his labors and sufferings, were requisite, and indeed barely sufficed, to its successful accomplishment. Except George Fox, no other individual has ever enjoyed so much authority in this society, or so fully sustained the character of a patriarch of the Quakers. Though his principles excluded him from the official dignities which his father had coveted for him, they did not prevent him from attaining a high degree of favor and consideration both with Charles the Second and his successor ; which he improved, to the utmost of his power, for the relief of persecuted members of the Quaker society. Whatever were the services of the admiral, the claim which they inferred was extended to his son ; nor was its efficacy impaired by his visible influence over a numerous body of men, whose avowed renunciation of the rights of resistance and self-defence could not fail to conciliate the regards of arbitrary princes.<sup>1</sup>

There exists, in all mankind, a propensity to unbounded admiration, arising from an indistinct glimpse and faint remaining trace of that image of infinite majesty and purity with which their existence connects them, and to which their nature once

<sup>1</sup> Proud. Clarkson's *Life of Penn.*

enjoyed a closer conformity than it has been able to retain. We may consider either as the expression of this propensity, or the apology for indulging it, that eagerness to claim the praise of faultless perfection for the objects of our esteem, which perhaps truly indicates a secret consciousness that it is only to excellence above the reach of humanity that our admiration can ever be justly due. This error has been exemplified in a very remarkable degree by the biographers of Penn, and the historians of his transactions and institutions in America. The unmixed and unmerited encomium, which his character and labors have received, originated, no doubt, with the writers of his own religious persuasion ; but, so far from being confined to them, it has been even exaggerated by writers of a totally different class, and whose seeming impartiality has contributed, in a remarkable degree, to fortify and propagate the illusion. The Quakers have always enjoyed, with some infidel philosophers,<sup>1</sup> a reputation which no other professors of Christianity have been permitted to share ; partly because they were accounted the friends of unlimited toleration, and partly from an erroneous idea that their Christian name was but a thin mystical covering, which veiled the pure and simple light of reason and philosophy from eyes yet too gross to receive it. Refusing to define their doctrinal tenets by a creed, and having already evacuated by allegorical interpretation some of the plainest precepts of the gospel, the Quakers were expected by their philosophical panegyrists to pave the way for a total dissolution of Christianity, by gradually allegorizing the whole of the Scriptures. By the united efforts of these several tributaries to his fame, William Penn has been presented to the world as a character nearly, if not entirely, faultless.; as the author of institutions not less admirable for their wisdom than their originality, and not less amply than instantaneously productive of the gratitude and happiness of mankind.<sup>2</sup> How exaggerated is

<sup>1</sup> Among others, Voltaire, Diderot, Raynal, Mirabeau, and Brissot. Hume, in his *History*, has treated the Quakers with little respect ; but in his *Essay on Superstition and Enthusiasm* he has represented those sectaries as enjoying a perfect freedom from priestly bondage, and approaching the only regular association of deists in the world,—a representation which has doubtless contributed to the favor which the Quakers have enjoyed with the philosophers of France.

<sup>2</sup> See Note XII., at the end of the volume.

this picture of the merit and the effects of his institutions will appear but too clearly from the following pages. That the dazzling light with which his character has been invested was sullied with the specks of mortal imperfection is also a truth which it is more easy than agreeable to demonstrate. But excellence, the more credibly it is represented, is the more effectually recommended to imitation and esteem; and those who may be conscious of such infirmities as William Penn betrayed receive an important lesson, when they are taught that these imperfections neither inevitably obstruct, nor satisfactorily apologize for, deficiency of even the most exemplary virtue.

In the commencement of his very controversial career, Penn treated his opponents with an arrogance of disdain, and a coarseness and scurrility of vituperation, strangely inconsistent with the mildness of manners enjoined by the canons of Quakerism, and even with common decency and propriety.<sup>1</sup> It redounds to his credit that he corrected this fault, and graced his wisdom with an address replete with courtesy and kindness. But another change that occurred in his disposition presents him in an aspect which it is less pleasing to contemplate. Recommended to Charles the Second and this monarch's successor by a hereditary claim of regard, by the principles of passive obedience, — which, as a Quaker, he professed, and as a writer contributed widely to disseminate, — and by the willingness with which he and his fellow-sectaries alone, of all the British Protestants, recognized the despotic prerogative affected by the crown, of suspending the ordinances of the legislature, — he was admitted to a degree of favor and intimacy with those perfidious and tyrannical princes, which laid a dangerous snare for the integrity of his character and the rectitude of his conduct. It was natural that he and his friends, oppressed by the severe intolerance of parliamentary legislation, should regard with

<sup>1</sup> Some instances of this failing have been preserved by his biographers. But by far the most remarkable occurs in the address which he himself prefixed to his report of his celebrated trial at the Old Bailey for preaching at a conventicle, and which is reprinted in Howell's *State Trials*. The ribaldry, which Penn on this occasion condescended to employ, was borrowed from a coarse jest of Oliver Cromwell. Penn retained through life a taste for pleasantry. An adversary of the Quakers having published a controversial work against them, entitled *The Quaker's last Shift found out*, Penn answered it by a treatise bearing the ludicrous title of *Naked Truth needs no Shift*.



more favor the arbitrary power which was sometimes interposed for their relief, than the constitutional authority which was uniformly directed to their molestation. But the other Protestant Dissenters in general beheld with disgust and suspicion the boon of a temporary mitigation of legal rigor, which implied a power in the crown subversive of every bulwark of British liberty. As the political agent of his society, cultivating the friendship of a tyrant, and seeking a shelter under his prerogative from the existing laws, Penn occupied a situation regulated by no established maxims of duty, or ascertained principles ;<sup>1</sup> and becoming gradually familiarized with arbitrary power, he scrupled not to beseech its interposition in behalf of his own private concerns, and to employ, for the enlargement of his American territory, at the expense of the prior right of Lord Baltimore, the same authority which he had accustomed himself to respect as an engine of public good and religious toleration. Dazzled, rather than corrupted, by royal favor and confidence, he beheld nothing in the character of the British princes that reproved his friendship with them, or prevented it from becoming even more intimate and confidential, at a period when their tyrannical designs were already fully developed, their perfidy unmasked to every other eye, and the hands from which he solicited favors were imbrued with the blood of men whom he had loved as friends and revered as the most estimable and illustrious characters in England.

While as yet the struggle between the popular leaders and the abettors of arbitrary power had not issued in the triumph of royal prerogative, Penn seemed to participate in the sentiments that were cherished by the friends of liberty. He addressed his supplications, for repeal of the penal laws against Dissenters, to the House of Commons ; he attached himself to Algernon Sydney, and endeavoured to promote his election in a competition with a court candidate for the borough of Guildford ;<sup>2</sup> and we have seen how he coöperated in the mag-

<sup>1</sup> That Penn did not acknowledge the same duties, as a politician, which he prescribed to himself as a Quaker, appears from his withdrawing from a state warrant that was issued for his imprisonment on a political charge by King William (Proud),—an evasion which he never stooped to, when he was persecuted for his religious practices.

<sup>2</sup> Clarkson.

nanimous vindication of the rights of West Jersey against the encroachments of the Duke of York. But when the cause of liberty seemed for ever to have sunk beneath the victorious ascendancy of royal prerogative, he applied to the crown for that relief from the rigor of ecclesiastical law, which he had already practically avowed to be legally derivable from the parliament alone; he beheld his friend Sydney perish on a scaffold, the victim of patriotic virtue, without any interruption of cordiality between himself and the court; and when James the Second committed a far greater outrage on the rights of Magdalen College of Oxford than the encroachment he had attempted on the liberties of New Jersey, Penn's advice to the academic authorities was to appease the king by apologies for their past conduct, which, at the same time, he acknowledged to have been not only blameless, but upright and commendable.<sup>1</sup> Nay, as if to render the change of his disposition still more signally conspicuous, he concurred with the other proprietaries of East Jersey in tamely surrendering the liberties of this province to the same prince, against whom, when supported by the spirit of better times, he had so strenuously defended the freedom of its sister colony. Penn was voluntarily present at the execution of Mrs. Gaunt, an aged lady, renowned for her piety and charity, who was burnt alive for having given shelter to a person in distress, whom she knew not at the time to have been a fugitive from the rebel army of the Duke of Monmouth; and at the execution of Alderman Cornish, who was hanged before the door of his own house, for a pretended treason, of which nobody believed him to be guilty.<sup>2</sup> The only sentiment that he is reported to have expressed in relation to these atrocities was, that "*the king was greatly to be pitied* for the evil counsels that hurried him into so much effusion of blood."<sup>3</sup> When it is considered, that, after all this, Penn's eyes were not opened<sup>4</sup> to the real

<sup>1</sup> Clarkson.

<sup>2</sup> Ibid.

<sup>3</sup> See Note XIII., at the end of the volume.

<sup>4</sup> He published a book in favor of the king's attempts to establish toleration, even after James had so far disclosed his real views as to have intruded Roman Catholics into the government of the University of Oxford. He had recently before undertaken a secret embassy from the king to the Prince of Orange, in the hope of prevailing with this prince to give his sanction to the measures in behalf of toleration. Clarkson. Though unable to discern the

character of James, and that, on the contrary, his friendship with the barbarous tyrant continued to subsist, and even to increase, till the very last, — it seems by no means surprising that his contemporaries should have generally regarded him as a secret abettor of all the monarch's designs for the reëstablishment of the church of Rome in Britain and the destruction of British liberty. It was, perhaps, fortunate for his fame that the public displeasure vented itself in this injustice ; the detection of which has contributed to shelter him even from the milder but more merited censure of an infatuated self-complacence and credulity, inspired by the flattering idea that he would ultimately render the royal authority entirely subservient to the accomplishment of his own religious and philanthropic views.

The character of William Penn has not escaped the charge of ambition,<sup>1</sup> — a charge which admits of such variety of signification, that perhaps no human being was ever entirely exempt from it. If restriction to ends merely selfish constitute the depravity of ambition, a nobler and more generous range may be allowed to *make ambition virtue*. Assuredly, Penn was neither conscious nor susceptible of that vile and vulgar aspiration that courts a personal distinction and superiority obtained by the depression and spoliation of mankind. Of the wish to derive a reflected lustre from the happiness and improvement which others might owe to him, it is neither so easy nor so desirable to absolve him. Nor, perhaps, was he wholly insensible to the influence of a temptation which this refined ambition is very apt to beget, — the desire of enlarging and perpetuating the authority by which such benefits might continue to be conferred by himself and his posterity. It has been alleged of more than one benefactor of the human race, that, confident of their good intentions, and habituated to

designs of the king, he had not always been equally insensible to the dangers of Popery ; and, in the days of his patriotic fervor, wrote a pamphlet to animate the national rage against the pretended *Popish Plot*. Ibid.

<sup>1</sup> An acute, but very partial writer, who boldly essays to beat down all Penn's pretensions to generous virtue, has characterized him as "a man of great depth of understanding, attended by equal dissimulation ; of extreme interestedness, accompanied with insatiable ambition ; and of an address in proportion to all these." Chalmers. Scarcely, if at all, more favorable are the sentiments expressed by Dr. Franklin and Jedediah Morse, with regard to the character of Penn.



power, they have coveted the possession of it somewhat too eagerly, as a peculiarly efficient instrument of human welfare. But it is time to proceed from these prefatory observations on the character of this distinguished person, to a consideration of that portion of his life which is identified with the history of Delaware and the rise of Pennsylvania.

The circumstances by which the attention of Penn was first directed to the colonization of North America have already been unfolded in the early annals of New Jersey. While he was engaged with his Quaker associates in administering the New Jersey government, he received such information of the fertility and resources of the country situated to the westward of the Delaware, as inspired him with the desire of acquiring a separate estate in this quarter. For this purpose he presented a petition to Charles the Second [June, 1680], stating his relationship to the deceased admiral, and his claim for a debt incurred by the crown to his father, at the time when Shaftesbury's memorable device was adopted, of shutting the exchequer; soliciting, on these accounts, a grant of land to the northward of Maryland and westward of the Delaware; and representing, that, by his interest with the Quakers, he should be able to colonize the province, which might, in time, not only yield a revenue sufficient to extinguish his claims on the crown, but enlarge the British empire, augment its trade, and promote the glory of God by the civilization and conversion of the Indian tribes.<sup>1</sup> This petition was referred to the Duke of York and Lord Baltimore, that they might report how far its object was compatible with their prior investitures. Both signified their acquiescence in Penn's demand, provided his patent should be so worded as to preclude any encroachment on their territories; and the Duke of York added his recommendation of the petition to the favor of the crown. Successful thus far, Penn transcribed from the charter of Maryland the sketch of a patent in his own favor [November, 1680]; but the attorney-general, Jones, to whose opinion it was remitted, pronounced

<sup>1</sup> In a letter to a friend, about the same time, he declares his purpose in the acquisition of American territory to have been "so to serve the truth and people of the Lord, *that an example may be set to the nations*"; adding, "there may be room there, though not here, for such an *holy experiment*." Proud.

that certain of the clauses were "not agreeable to the laws here, though they are in Lord Baltimore's patent," and signified, in particular, that the exemption from British taxation, which Penn desired for his colony, was utterly illegal. Compton, Bishop of London, at the same time, understanding that Penn, in soliciting his patent, described himself as the head of the English Quakers, interposed in the relative proceedings, for the protection (as he declared) of the interests of the church of England. After some discussion of the points that had thus arisen, the Committee of Plantations desired Chief-Justice North, a person of considerable eminence, both as a statesman and a lawyer, to undertake the revision of the patent, and to secure, by proper clauses, the reservation of royal prerogative and parliamentary jurisdiction. [January, 1681.] With his assistance, there was prepared an instrument which received the royal confirmation, and afterwards acquired much celebrity as the charter of Pennsylvania.<sup>1</sup> [March, 1681.]

By this charter, which professed to be granted in consideration of "the merits of the father and the good purposes of the son," there was conferred on William Penn, and his heirs and assigns, that vast region bounded on the east by the river Delaware, extending westward five degrees of longitude, stretching to the north from twelve miles northward of Newcastle (in the Delaware territory) to the forty-third degree of latitude, limited on the south by a circle of twelve miles drawn round Newcastle to the beginning of the fortieth degree of latitude. Penn was constituted the absolute proprietary of the whole of this territory, which was erected into a province by the name of Pennsylvania,<sup>2</sup> and was to be held in free and

<sup>1</sup> Oldmixon. Proud. Chalmers. Dillwyn (see Note XII.) *apud* Winterbotham. Both Oldmixon (who was a personal friend of Penn) and Clarkson have asserted that Penn's efforts to obtain his charter were greatly obstructed by his profession of Quakerism. Of this I can find no evidence at all. Penn himself, writing to the Lords of Trade in 1683, says, "I return my most humble thanks for your former favors in the passing of my patent, and pray God reward you." Chalmers.

<sup>2</sup> Penn's account of this denomination is creditable to his modesty. Finding that the king designed that the name of Penn should form a part of the appellation of the province, he requested leave to decline an honor that might be imputed to his own vanity, and proposed the name of New Wales, which was objected to (most absurdly) by the under-secretary of state, who was a Welshman. Penn then suggested Sylvania, on account of the woody surface of the region; but the king declared that the nomination belonged to him,

common soccage by fealty only, with the obligation of paying two bear-skins annually, and one fifth of all the gold and silver that might be discovered, to the king. He was empowered to make laws, with the advice and assent of the freemen of the territory assembled, for the imposition of taxes and other public purposes, — but always in conformity with the general strain of the jurisprudence of England ; to appoint judges and other officers to carry the laws into execution ; and to pardon and reprieve offenders, except in the cases of wilful murder and high treason. In these cases, reprieve might be granted only till the signification of the pleasure of the king, — to whom there was also reserved the privilege of receiving appeals from the provincial tribunals in civil cases. The distribution of property and the punishment of felonies were to be regulated by the laws of England, unless and until different ordinances should be expressly enacted by the proprietary and freemen. Duplicates of all the provincial laws were to be transmitted to the privy council, within five years after they were passed ; and if not declared void by the council within six months after transmission, they were to be considered as finally ratified, and to become valid ordinances.

That the colony might increase by the resort of people, liberty was given to English subjects (those only excepted who should be specially forbidden) to remove to and settle in Pennsylvania ; and thence to import the productions of the province into England, “ but into no other country whatsoever,” and to reexport them, within one year, — paying the same duties as other subjects, and conforming to the Acts of Navigation. The proprietary was authorized to divide the province into towns, hundreds, and counties ; to erect and incorporate towns into boroughs, and boroughs into cities ; and to constitute ports, for the convenience of commerce, to which the officers of the customs were to have free admission. The freemen in assem-

and that, in honor of Admiral Penn, the last suggested name should be enlarged into Pennsylvania. Clarkson.

“ Hæc habet, et regio memorabile nomen habebit,

Auctior auctoris in omne tempus sui ;

Qui fuit illustri proavorum stemmate natus,

Sed virtute magis nobilis ipse sua.”

Makin's *Descriptio Pennsylvaniae*.



bly were empowered to assess reasonable duties on the commodities laden or unladen in the harbours of the colony ; and these duties were granted to Penn, with reservation, however, to the crown of such customs as then were, or in future might be, imposed by act of parliament. Penn was required to appoint an agent to reside in or near London, to answer for any breach of the trade laws which he or his people might commit ; and in case of such misdemeanour, he was to make satisfaction within a year ; in default of which, the king was to appropriate the government of the province, and retain it till due satisfaction were made. The proprietary was required not to maintain correspondence with any prince or state at war, nor to make war against any prince or state in amity, with England. By an article of the charter, which, perhaps, a strict adherence to his principles should have induced him to disclaim, he was empowered “ to levy, muster, and train all sorts of men ; to pursue and vanquish enemies ; to take and put them to death by the laws of war ; and to do every thing which belongeth to the office of captain-general in an army.” He was farther empowered to alienate the soil to the colonists, who were authorized to hold their lands under his grants, notwithstanding the English statute prohibiting such subinfeudations. Assurance was given by the king, for himself and his successors, “ that no custom or other contribution shall be levied on the inhabitants or their estates, unless by the consent of the proprietary, or governor and assembly, *or by act of parliament in England.*” It was stipulated (in compliance with the suggestion of Bishop Compton), that, if any of the inhabitants, to the number of twenty, should signify their desire to the Bishop of London to have an Episcopal minister established among them, the pastor appointed for them by this dignitary should be allowed to reside and perform his functions without hindrance or molestation. In case of the emergence of doubt with regard to the construction properly applicable to any part of the charter, it was declared that an interpretation the most favorable to the proprietary should always be admitted ; with the exclusion, however, of any supposition that might derogate from the allegiance due to the crown.<sup>1</sup>

<sup>1</sup> Proud. Chalmers. “ It is remarkable,” says Dr. Franklin, in his *His-*

Such is the substance of a charter on which was established the fabric of the Pennsylvanian government and laws, so renowned for their wisdom, mildness, equity, and liberality. The cautious stipulations for guarding and ascertaining the British ascendancy, by which this charter was distinguished from all preceding patents, were manifestly the offspring of the disputes in which the royal court had been for some time engaged with the colony of Massachusetts. The provincial government of Massachusetts had deemed the Acts of Navigation inoperative within its jurisdiction, till they were legalized by its own ordinance. But direct and steady obedience to them in Pennsylvania was enforced by the stipulated penalty of the forfeiture of the charter. Laws had been passed in Massachusetts for a domestic coinage of money, and other objects, which were deemed inconsistent with the prerogative of the sovereign state. For the prevention of similar abuse, or at least the correction of it, before inveterate prevalence should create habits of independence, it was required that all the laws of the new province should be regularly transmitted to England for the royal approbation or dissent. To obviate the difficulty that was experienced by the English government in conducting its disputes with the people of Massachusetts, who could never be induced to accredit an agent at the court without much reluctance and long delay, it was required that a standing agent for Pennsylvania should reside in London, and be held responsible for the proceedings of his colonial constituents. But the most remarkable provision, by which this charter was distinguished from all the other American patents, was that which expressly reserved a power of taxation to the British parliament.

Of the import of this much agitated clause very different opinions were entertained, from the first, by the lawyers and statesmen of England and the politicians of Pennsylvania. In England, while it was denied that the novel introduction of the

*torical Review of the Constitution of Pennsylvania*, "that such an instrument, penned with all the appearance of candor and simplicity imaginable, and equally agreeable to law and reason, to the claims of the crown and the rights of the subject, should be the growth of an arbitrary court." The trait would have been more remarkable, if this arbitrary court had been as much renowned for integrity in fulfilling, as for facility in contracting, engagements in favor of law, reason, and popular rights.

clause into the charter of this province afforded to any of the other colonies an argument against their liability to parliamentary taxation, — it was, with more appearance of reason, maintained that its actual insertion in the present charter precluded even the possibility of an honest pretension to such immunity on the part of the Pennsylvanians. Of the very opposite ideas that were entertained on this subject by the colonists an account was rendered about a century afterwards by Dr. Franklin, in his celebrated examination, as an agent of his countrymen, at the bar of the British House of Commons. Being asked how the Pennsylvanians could reconcile a pretence to be exempted from taxation with the express words of a clause reserving to parliament the privilege of imposing this burden upon them, he answered, — “They understand it thus :—By the same charter,<sup>1</sup> and otherwise, they are entitled to all the privileges and liberties of Englishmen. They find in the great charters and in the petition and declaration of rights, that one of the privileges of English subjects is, that they are not taxed but by their common consent ; they have, therefore, relied upon it, *from the first settlement of the province*, that the parliament never would nor could, by color of that clause in the charter, tax them till it had qualified itself to exercise such right by admitting representatives from the people to be taxed.”<sup>2</sup> That this reasoning was not (as some have suggested) the mere production of Franklin’s own ingenuity, nor even the immediate growth of the era of American independence, but that it expressed the opinion of the earliest race of the Pennsylvanian settlers, is a point susceptible of the clearest demonstration.

From the official correspondence between the royal functionaries in America and the court of London, it appears, that, before the Pennsylvanians had existed as a people for seven-teen years, the English ministry were apprized of the general

<sup>1</sup> This is a mistake. The Pennsylvanian charter differs from all the others in not communicating an express assurance to the colonists of the rights and character of Englishmen. The reason for this omission is said by Chalmers to have been, that the eminent lawyers, who prepared the charter, deemed such declarations superfluous, and their import sufficiently inferred by general law.

<sup>2</sup> *Memoirs, &c., of Franklin.*



prevalence of these sentiments among them ; and in the work of a contemporary historian of this province, who derived his acquaintance with it from the communications of Penn himself, the right of the colonists to elect representatives to the British parliament is distinctly asserted.<sup>1</sup> It was only in the year preceding the date of the Pennsylvanian charter, that Penn, in reclaiming for the colonists of New Jersey the privilege of imposing taxes on themselves, had protested that no reasonable men would emigrate from England to a country where this advantage was not to be enjoyed ; and as the argument which he maintained on that occasion was founded entirely on general principles, and on what he regarded as the constitutional rights inseparable from the character of British subjects, without reference to any peculiarities in the charter of New Jersey, it is highly improbable that he believed the clauses peculiar to his own charter to admit of an interpretation that would have placed his favorite province beyond the pale of the British constitution, and deterred reasonable men from resorting to it. We must either believe him to have entertained the same opinion that prevailed on this point among the colonists of his territory, or adopt the illiberal supposition of a historian<sup>2</sup> who charges him with making concessions, in treating with the crown, which he never intended to substantiate in practice.

Possessed of this charter, to which the king gave additional authority by a royal letter commanding all intending planters in the new province to render due submission to the proprietary, Penn directed his attention to the interesting concern of attracting inhabitants to his vacant territory. To this end, he published a description of the soil and resources of the province, together with admonitions to those who were inclined to undertake its cultivation, and a statement of the conditions on which he was willing to deal with them. The admonitions are almost precisely the same with those which he previously addressed to the intending emigrants to West Jersey ; and enjoin all persons, deliberating with regard to their removal, to

<sup>1</sup> See Note XIV., at the end of the volume.

<sup>2</sup> Chalmers, who, in support of his opinion, remarks that not one of the laws and constitutions, enacted by Penn, or under his auspices, was ever submitted, according to the requisition of the charter, to the English court.

have especial respect to the will of God, — to balance present inconvenience with future ease and plenty, — and to obtain the consent of their near relations, in order that natural affections might be preserved, and a friendly and profitable correspondence between the two countries maintained. It was intimated to all who were disposed to become planters, that a hundred acres of land would be sold at the price of forty shillings, together with a perpetual quitrent of a shilling. It was required, that, in disencumbering the ground of wood, there should be reserved one acre of trees for every five acres cleared ; and an especial recommendation was given to preserve oak and mulberry trees for the construction of ships and the manufacture of silk. It was declared that no planter would be permitted to overreach or otherwise injure the Indians, or even to avenge, at his own hands, any wrong he might receive from them ; but that, in case of disputes between the two races, the adjustment of them should, in every instance, be referred to twelve arbitrators, selected equally from the Europeans and the Indians. The requisition of quitrents, in addition to the payment of a price, which proved ultimately so fertile a source of discord between the proprietary family and the colonists, was the only feature in this scheme that appeared objectionable to the religious fraternity of which Penn was a member ; but his influence with these sectaries was so great, and his description of the province so inviting, as more than to outweigh this disagreeable and unexpected condition.

Numerous applications for land were speedily made by persons, chiefly of the Quaker persuasion, in London, Liverpool, and especially in Bristol, where one trading association alone became the purchasers of twenty thousand acres of the territory, and prepared for embarking in various branches of commerce which had relation to their acquisition. The prospect thus afforded, of an early replenishment of his province, invited the immediate attention of Penn to the form and fabric of its political constitution ; in the composition of which there could be room for little other labor than the exercise of a judicious selection from the numerous theoretical models which had employed the pens and exhausted the invention of contemporary writers, and from the various practical institutions

by which the several proprietaries of American provinces had vied with each other for the approbation of mankind and the attraction of inhabitants to their vacant domains. In undertaking an employment so congenial to his disposition as the work of legislation, Penn seems to have been impressed with equal confidence in the resources of his capacity and the rectitude of his intentions, and touched at the same time with a generous sense of the value of those interests that were involved in his performance, and the expanse of liberty and happiness that might result from it. "As my understanding and inclinations," he declared, "have been much directed to observe and reprove mischiefs in government, so *it is now put into my power to settle one.* For the matters of liberty and privilege, *I purpose, that which is extraordinary,* and leave myself and successors no power of doing mischief, that the will of one man may not hinder the good of a whole country." The liberal institutions that arose shortly after in Pennsylvania, and the happiness of which they were so largely productive, attested the sincerity and rewarded the virtue of this magnanimous design; while the partial disappointment which it sustained, and particularly the mischief and dissension that arose from the degree of power that was actually reserved to the proprietary and his successors, forcibly exemplified the infirmity of human purpose, and the fallacy incident to all human expectations.

As several of the purchasers of land, in their eagerness to commence the new settlement, were prepared to embark before Penn had yet completed his legislative composition, it was necessary that they should be previously acquainted with the general scope, at least, of a work so deeply affecting their interests. A rough sketch of its principal features was accordingly prepared and mutually signed by the proprietary and these adventurers, who, being now assured of unlimited toleration,<sup>1</sup>

<sup>1</sup> It detracts not from the wisdom of Penn, but merely from the judgment and accuracy of those writers who have deemed the honor of practical virtue incomplete without the attribute of original invention, that this equitable principle of toleration had been already realized in America by Lord Baltimore and the Catholics of Maryland, and employed as a politic device by Lord Clarendon and his associates in Carolina, and by Lord Berkeley and Sir George Carteret in New Jersey. Clarkson is the only historian of Penn who has conceded to Lord Baltimore the honor of originating toleration in America.



and satisfied with the model of the political constitutions, no longer hesitated to bid adieu to a scene of tyranny, contention, and persecution, and set sail, in quest of freedom and repose, for Pennsylvania. [May, 1681.] Three vessels from London and Bristol carried out these first Pennsylvanian settlers, and along with them Colonel William Markham, the kinsman and secretary of Penn, who appointed him deputy-governor; and certain commissioners who were appointed to confer with the Indians respecting the purchase of their lands, and to endeavour to form with them a league of perpetual peace. These commissioners were solemnly enjoined to treat the Indians with candor, justice, and humanity, and were intrusted with a letter from Penn to them, accompanied by suitable presents. The proprietary's letter signified to the Indians, that the great God and Power, who created all men and commanded them to love and do good to one another, had been pleased to make a connection between Penn and America; that the king of England had bestowed on him a province there, but that he desired to enjoy it with the good-will and consent of the Indians; that many wicked Europeans, he was aware, had treated the Indians very ill, but that he was a person of a different disposition, and bore great love and regard to them; and that the people he now sent among them were similarly disposed, and wished to live with them as neighbours and friends.

Markham, at the head of one of these detachments of adventurers, proceeded, on his arrival in America [August, 1681], to take possession of an extensive forest, situated twelve miles northward of Newcastle, on the western side of the Delaware, whose waters contributed, with other streams of lesser note, to the salubrity of the air and the fertility of the soil. As this situation enjoyed the advantages of a civilized neighbourhood on the south and east, the colonists were not embarrassed with the difficulties which encumbered and disturbed so many of their predecessors in similar pursuits; and, animated by vigorous hope and steady resolve, they set themselves diligently to prepare for the reception of the numerous emigrants who were expected to join them in the following year. Greater hardships were endured by another detachment of the first adventurers, who, arriving later in the season, disembarked at the

place where Chester was afterwards built [Oct., 1681] ; and, the river having suddenly frozen before they could resume their voyage, were constrained to pass the remainder of the winter there. Markham now discovered a circumstance which had material influence on the future conduct and policy of his patron. Penn had hitherto supposed that the whole of the Delaware territory, except the settlement of Newcastle and its appendages (occupied by the Duke of York as a dependency of his own province of New York), was really included in the Pennsylvanian charter, — a supposition which he entertained with a great deal of satisfaction ; for he was aware that this territory already contained a number of Swedish and English settlers ; and though doubtless he proposed to people his domains chiefly with Quakers, he was by no means insensible to the advantage of obtaining for himself an immediate accession of tributaries, and for his people a social connection with a race of hardy agriculturists inured to colonial life and habits. He knew that the government of Maryland laid claim to the allegiance of a number of settlers whose plantations he believed to be included within his own chartered district of Pennsylvania ; and he had instructed Markham to demand from Lord Baltimore a relinquishment of that pretension. Markham accordingly applied to the proprietary of Maryland, and readily accepted this nobleman's proposal to compare the titles of the two provinces and adjust their boundaries ; but discovering very speedily that Penn had in reality no other claim than what might be derived from the confused designation in his charter of the limits of his province, and that a literal construction of Lord Baltimore's prior charter, where the limits were indicated with greater precision, would evacuate at once the pretensions both of Penn and the Duke of York, he declined all farther conference, and acquainted Penn with a discovery that threatened so much obstruction to his views.<sup>1</sup>

In the spring of the ensuing year [April, 1682], Penn completed and delivered to the world a composition, the fruit of great research and profound reflection, entitled “ *The Frame of the Government of the Province of Pennsylvania.* ” It was

<sup>1</sup> Proud. Chalmers. Clarkson.

introduced by an ingenious preface, unfolding his own views of the origin, nature, and objects of government ; wherein he deduces from various texts of Scripture the origination and descent of all human power from God, the utter unlawfulness of resisting constituted authority, and, in short, "*the divine right of government*, and that for two ends : first, to terrify evil doers ; secondly, to cherish those that do well ; which," he continues, "*gives government a life beyond corruption*, and makes it as durable in the world as good men shall be ; so that *government seems to me a part of religion itself*, a thing sacred in its institution and end." "They weakly err," he afterwards observes, "who think there is no other use of government than correction, which is the coarsest part of it." Declining to pronounce any opinion on the comparative merit of the various political systems which had been exhibited to mankind in the practice of commonwealths or the speculations of philosophers, and remarking that not one of these models was ever realized without incurring some alteration from the lapse of time or the emergency of circumstances, he advances this position, that "any government is free to the people under it, whatever be the frame, where the laws rule and the people are a party to these laws ; and more than this is tyranny, oligarchy, or confusion." With close, though perhaps unconscious, transcription of the maxims ascribed by Plutarch to Lycurgus, he maintains that "governments rather depend upon men, than men upon governments. *Let men be good, and the government cannot be bad.* If it be ill, they will cure it. But if men be bad, let the government be never so good, they will endeavour to warp and spoil it to their turn. I know some say, 'Let us have good laws, and no matter for the men that execute them. But let them consider, that, though good laws do well, good men do better ; for good laws may want good men, and be invaded or abolished by ill men ; but good men will never want good laws nor suffer ill ones.'<sup>1</sup> *That, therefore,*

<sup>1</sup> How they could refuse to suffer bad laws, under a frame of government excluding them from a share in legislation, is a difficulty which he has not undertaken to solve, and which, indeed, his general anathema against all resistance to established authority renders perfectly insoluble. It is true that he reproaches a government so framed with the character of tyranny ; but this reproach merely gives additional sanction to discontent, without giving any to resistance.



*which makes a good constitution, must keep it ; namely, men of wisdom and virtue ; qualities, that, because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth."* In conclusion, he proclaims that "We<sup>1</sup> have, with reverence to God and good conscience to men, to the best of our skill, contrived and composed the frame of this government to the great end of all government, *to support power in reverence with the people, and to secure the people from the abuse of power, that they may be free by their just obedience, and the magistrates honorable for their just administration ; for liberty without obedience is confusion, and obedience without liberty is slavery.*" This production, which will always command respect for its intrinsic merits, excited the greater interest, at the time of its emission, from being regarded as the political manifesto of the party that had now become the most numerous and powerful among the Quakers, and whose ascendancy continued gradually to increase, till at length the whole sectarian society, by dint of conversion or expulsion, was moulded to a conformity with its opinions. Another party still existed, but was daily diminishing, which regarded with equal aversion the establishment of ecclesiastical discipline and the recognition of municipal government. The adherents of this party were willing to forbear from all forcible resistance to human violence ; but were no less resolutely bent against any voluntary coöperation with municipal authority ; and reproached the rest of their brethren with degenerating from original Quaker principles, and substituting a servile obedience to *the dead law without*, in place of a holy conformity to *the living law within*.

By the *constitutional frame* which followed this preface, it was announced that the government of the province should be administered by the proprietary, or his deputy, as president, and by the freemen formed into two separate bodies of a provincial council and a general assembly. The council was to be elected by the freemen, and to consist of seventy-two members, of whom twenty-four were annually to retire, and be replaced by a new election. In the council, the governor was to preside,

<sup>1</sup> Some of the planters had coöperated with Penn in the composition of the frame.

invested with no other control than a treble vote. Thus composed, the council was to exercise not only the whole executive power, but the peculiar privilege which was annexed to the functions of the same state organ in the Carolinian constitutions, of prejudging and composing all the bills or legislative projects that should be presented to the assembly. The presence of two thirds of the members of the council was requisite to the composition of a quorum of this body ; and the consent of two thirds of such quorum was indispensable in all matters of importance. The assembly was to consist, the first year, of all the freemen ; the next, of two hundred representatives elected by the rest : and this number was afterwards to be augmented in proportion to the increase of population. The legislative functions of the assembly did not extend to originating laws, but were restricted to a simple assent or negation in passing or rejecting the bills that might be proposed to them by the governor and council. They were to present sheriffs and justices of the peace to the governor, — naming double the requisite number of persons, for his selection of half. They were to be elected annually ; and all elections, whether for the council or the assembly, were to be conducted *by ballot*. Such was the substance of the constitution, or frame of government, which was farther declared to be incapable of alteration, change, or diminution, in any part or clause, without the consent of the proprietary or his heirs, and six parts in seven of the members both of the council and the assembly.

The mode of election *by ballot*, which has since become so general in North America, was first introduced there by the Puritans, and subsequently adopted into the constitutions of Quaker legislation, — by which we have seen it established in New Jersey, and now extended to Pennsylvania. This latter repetition of the experiment proved very unsatisfactory. The planters soon declared that they felt it repugnant to the spirit of Englishmen to go *muzzled* (as they were pleased to express themselves) to elections ; that they scorned to give their opinions in the dark, or to do what they seemed ashamed to avow ; and that they wished the mode of election to be so framed as to show that their hearts and their tongues agreed together. In consequence of these objections, Penn, perceiving (says

Oldmixon) that the perfection of his institutions was not in accordance with the narrow capacities of human nature, consented to assimilate the Pennsylvanian to the English mode of election.

To the Constitutional Frame there was appended a code of forty conditional laws, which had been concerted between the proprietary and divers of the planters before their departure from England,<sup>1</sup> and were to be submitted for approval or modification to the first provincial assembly. This code is a production far superior to the Constitutional Frame, and highly creditable to the sense, the spirit, and the benevolence of its authors. Among other regulations, it proclaimed that the rank and rights of freemen of the province should accrue to all purchasers or renters of a hundred acres of land ; to all servants or bondsmen who at the expiry of their engagements should cultivate the quota of land (fifty acres) allotted to them by law ; and to all artificers and other inhabitants or residents paying scot and lot to the government ; that no public tax should be levied from the people, "but by a law for that purpose made" ; and that whoever should collect or pay taxes not thus sanctioned should be held a public enemy of the province and a betrayer of its liberties ; "*that all prisons shall be work-houses*" ; that a thief should restore twice the value of his depredation, and, in default of other means adequate to such restitution, should work as a bondsman in prison for the benefit of the person whom he had plundered ; that the lands as well as the personal property of a debtor should be responsible for his obligations, except in the case of his having lawful children, for whose use two thirds of the landed estate were appointed to be reserved ; that all factors and correspondents in the province, defrauding their foreign employers, should, in addition to complete restitution, pay a surplus amounting to a third of the sum

<sup>1</sup> Markham, the kinsman and secretary of Penn, and afterwards governor of the province, has ascribed the greater part of the constitutions of the Frame itself to the suggestions and importunity of these persons, in opposition to the original intentions of the proprietary. In a letter to Fletcher, the governor of New York (in May, 1696), Markham says, "I very well know that it [the frame of government] was forced from him by *friends*, when, unless pleased, and granted whatever they demanded, they would not have settled his country." *State Papers*, apud Chalmers. It is plain from the preface, that Penn considered a future alteration of the constitutions as far from unlikely.



they had unjustly detained ; that no person should quit the province, without publication of his intention, in the market-place, three weeks prior to his departure ; that all dramatic entertainments, games of hazard, sports of cruelty, and whatever else might contribute to promote ferocity of temper, or habits of dissipation and irreligion, should be discouraged and punished ; and “ that all children within this province, of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.” This last regulation, so congenial to primitive Quaker sentiment and to republican spirit and simplicity, was calculated not less to promote fellow-feeling than to repress pauperism and dependence. It contributed to preserve a sense of the natural equality of mankind, by recalling to every man’s remembrance his original destination to labor ; and while it tended thus to abate the pride and insolence of wealth, it operated no less beneficially to remedy the decay of fortune peculiarly incident to wealthy settlers in a country where the dearness of all kinds of labor rendered idleness a much more expensive condition than in Europe. It was farther declared that no persons should be permitted to hold any public office, or to exercise the functions of freemen, but “ such as profess faith in Jesus Christ, and are not convicted of ill fame, or unsober and dishonest conversation” ; and that every man acknowledging the one almighty and eternal God to be the creator, preserver, and ruler of the universe, and professing to be conscientiously engaged to live peaceably and uprightly in the world, should be exempted from molestation on account of his more particular opinions and practices, as well as from obligation to frequent or support any religious assembly, ministry, or worship whatever.<sup>1</sup>

This composition having been published, the next care of Penn, suggested doubtless by his experience of the Duke of York’s behaviour to the proprietaries of New Jersey, was to obtain from this prince an express release of every claim or pretence of jurisdiction over Pennsylvania ; nor did the duke refuse a concession so manifestly just, to the son of a man for

<sup>1</sup> Proud. Oldmixon.

whose memory he professed the highest regard. [August, 1682.] It was a stronger proof of this regard, and the fruit of much more importunate solicitation, which Penn obtained at the same time, in a grant of the Delaware territory,<sup>1</sup> whose thriving plantations he anxiously desired to annex to his extensive but uncultivated domains of Pennsylvania. Yielding to the urgency of Penn, and probably swayed, in some degree, both by sentiments of friendship, and by indifference for an estate which he held by a defective and uncertain title, and had never been able to render productive of revenue, — the duke now conveyed to him, by two separate deeds of gift, the town of Newcastle, with a territory of twelve miles around it, together with the tract of land extending southward from it along the Bay of Delaware to Cape Henlopen. This conveyance included not only the settlements originally formed by the Swedes and afterwards conquered by the Dutch, whereof the early history is blended with the annals of New York,<sup>2</sup> and to which Lord Baltimore possessed a claim which he had never been able to render effectual, but a large district which this nobleman's title equally embraced, and which his activity and remonstrance had actually reclaimed from Dutch and Swedish occupation.<sup>3</sup> Without adopting the harsh censure of a writer<sup>4</sup> who maintains that this transaction reflected dishonor both on the Duke of York and on Penn; we can hardly fail to regard it as a faulty and equivocal proceeding, or to regret the proportions in which its attendant blame must be divided between a prince distinguished even among the Stuarts for perfidy and

<sup>1</sup> Only a month before this favor was granted, Sir John Werden, the duke's secretary, signified to Penn a repetition of former refusals of it, and at the same time wrote to Dongan, the governor of New York, cautioning him to beware of the encroachments of Penn, whom he describes as "very intent on his own interest in these parts, as you observe." *State Papers, apud Chalmers*. The effect of the scenes of intrigue and controversy, which his views on the Delaware territory had produced and seemed likely still farther to prolong, is sufficiently visible on the mind of Penn. One of his letters to a friend, at this period, expresses an evident abatement of the fervor of his first impressions of the degree in which his colonial designs might be rendered conducive to spiritual ends. "Surely," he says, "God will come in for a share in this planting work, and that heaven shall leaven the lump in time. I do not believe the Lord's providence had run this way towards me, but that he has a heavenly end and service in it." Clarkson: "Less of the man of God now began to appear," says Dr. Franklin, "and more of the man of the world."

<sup>2</sup> *Ante*, Book V., Chap. I.

<sup>3</sup> *Ante*, Book III., and Book V., Chap. I.

<sup>4</sup> Chalmers.

injustice, and a patriarch renowned even among the Quakers for humanity and benevolence. The duke's patents assuredly did not include within his boundaries the region which he now pretended to convey ; and it was only to a part of it that he could transfer even the dubious title arising from casual occupation, in opposition to the formal grant and legal claim of Lord Baltimore.<sup>1</sup>

All things being now prepared for his own personal presence and agency in America, Penn himself set sail from England to visit his transatlantic territory [September, 1682], in company with a hundred English Quakers, who resolved to unite themselves to their friends already removed to that quarter of the world. Arriving on the banks of the Delaware, he beheld with great satisfaction the thriving settlements comprehended in his latest acquisition, and the hardy, sober, and industrious race of men by whom they were inhabited. The population of that part of the Delaware territory which he succeeded in finally retaining against Lord Baltimore amounted already to three thousand persons, chiefly Swedes and Dutch ;<sup>2</sup> and by them, as well as by the English settlers who were intermixed with them, and by the Quakers whom Markham had conducted thither in the preceding year, the proprietary was received on his arrival with a satisfaction equal to his own, and greeted with the most cordial expressions of respect and good-will. The English rejoiced in their deliverance from the sway of the Duke of York ; and the Dutch and Swedes were glad to renounce a connection that had originated in the conquest, first of the one, and afterwards of both their races.<sup>3</sup> It was flattering to their importance to be united to a State that seemed then much less likely to overshadow them by superior greatness than either New York or Maryland ; and whatever they might think of the justice of Lord Baltimore's pretensions, or of the

<sup>1</sup> Oldmixon. Proud. Chalmers.

<sup>2</sup> In one of Penn's letters the Dutch and Swedish inhabitants of Delaware are thus described : — "They are a plain, strong, industrious people ; who have made no great progress in culture ; desiring rather to have enough, than plenty or traffic. As they are people proper and strong of body, so they have fine children, and almost every house full." Proud. The Dutch had one and the Swedes three meeting-houses for divine worship in the Delaware territory. Ibid.

<sup>3</sup> *Ante*, Book V., Chap. I.



equity of his administration, it was manifest that his power was unequal to divest the Duke of York of the dominion which this prince had now peaceably surrendered to the solicitations of William Penn. Advancing to Newcastle, where the Dutch possessed a court-house, the proprietary convoked there a meeting of his new subjects ; and, after a formal proclamation of his title to the soil and the political governance of the country, he explained to the people the objects of his visit to them, exhorted them to live in sobriety and mutual amity, and renewed the commissions of the existing magistrates.

The number of his colonists meanwhile was fast increasing around him. In the course of the present year, no fewer than two thousand emigrants, chiefly Quakers, arrived from England on the banks of the Delaware. Many of them were persons considerable by their rank and substance in the parent state ; and all were men of some education and great respectability, and to whom the main inducement to forsake their native land was supplied by views of religious truth and duty, more or less enlightened, but unquestionably sincere and conscientious. They needed all the influence of this noble principle to animate them to a brave endurance of the hardships they were compelled to undergo during the rigorous winter that followed their arrival. Their sufferings were mitigated as far as possible by the hospitality of the Swedes ; but many families were compelled to pass the winter in temporary huts or sheds ; and the greater number of the new settlers had no better lodging than caves, which they dug for themselves on the banks of the river. These hardships neither abated their zeal, nor were depicted by them in such a formidable light as to repress the ardor of their friends in Europe, who, in the course of the following year, continued, by successive arrivals, to enlarge the population of Delaware and Pennsylvania. A valuable addition, in particular, was derived soon after from a numerous emigration of German Quakers, who had been converted to this form of faith by the preaching of Penn and his associates, and whose well-timed removal from their native land enabled them to escape from the desolation of the Palatinate. The exemplary piety and virtue by which these German colonists were distinguished in America formed an agreeable sequel to

the happy intervention of Providence by which they were thus seasonably snatched from the rage of a tyrant and the impending ruin of their native country. There arrived likewise at the same time, or shortly after, a number of emigrants from Holland, a country in which Penn had already preached and propagated his doctrines.<sup>1</sup>

Seeing his people thus gathering in numerous and increasing confluence around him, Penn hastened to bind them together by a practical application of the social compact which he had devised. Having distributed his territory into six counties, he summoned, at a place which received the name of Chester, the first provincial parliament, consisting of seventy-two delegates. [December, 1682.] Here, according to the *frame* that had been concerted in England, the freemen should have attended in their own persons. But both the sheriffs in their returns, and the inhabitants in petitions which they presented to the proprietary, affirmed that the fewness of the people, their inexperience in legislation, and the engrossing urgency of their domestic concerns, rendered it inexpedient for them to exercise their political privileges; and expressed their desire that the deputies they had chosen might serve both for the council and the assembly, in the proportions of three from every county for the council, and nine from every county for the assembly. From the circumstances of the people, the session of this first provincial parliament was necessarily short; but it was distinguished by measures of considerable importance. The proprietary having expressed his approbation of the suggestions that were conveyed to him, an *act of settlement* was framed, introducing a corresponding and permanent change into the provincial constitution. With this and a few other modifications, the municipal scheme that had previously been announced was solemnly recognized and accepted. An *act of union* was passed, annexing the Delaware territory to the province of Pennsylvania; and the rank of naturalized British subjects was conferred on the Dutch, the Swedes, and all other foreigners within the boundaries of the province and territory. This arrangement,

<sup>1</sup> "In this [1682] and the two next succeeding years, arrived ships, with passengers or settlers, from London, Bristol, Ireland, Wales, Cheshire, Lancashire, Holland, Germany, &c., to the number of about fifty sail." Proud.

which, at the time, was both the effect and the cause of mutual harmony, unfortunately contained within itself the seeds of future dissension and discontent : for Penn held the Delaware territory, not by a grant from the crown, but by an assignation from the Duke of York ; and when the efficacy of such a title to convey municipal authority came to be questioned, the people reprobated with resentful blame the wanton rashness, as they deemed it, of erecting the system of their civil rights and liberties on a foundation so precarious. All the laws that had been concerted in England, together with nineteen others, were adopted and enacted by the assembly, which, in three days, closed a session no less remarkable for the extent and importance of its labors, than for the mutual confidence, goodwill, and general harmony that prevailed among men so diversified by variety of race, habit, and religious opinion. All united in expressing gratitude and attachment to the proprietary ; the Swedes, in particular, deputing one of their number to assure him *that they would love, serve, and obey him with all they had, and that this was the best day they had ever seen.*<sup>1</sup>

Among the many praiseworthy features of the code of laws that was thus enacted for Pennsylvania and Delaware, we have already remarked the particular wisdom of the provision for educating every native-born colonist to some useful trade or employment. But the points on which this code most justly claims the praise of original excellence and enlightened humanity are its provisions for the administration of penal law. Nor was there any point on which its regulations have been more efficacious, or more productive of lasting and extensive benefit to mankind. It was reserved for Quaker wisdom to discover, and for Quaker patience and benevolence to demonstrate, that, in the treatment of criminals, justice and mercy were not inconsistent virtues, nor policy and humanity incompatible objects of pursuit. Only two capital crimes, treason and murder, were recognized by the Pennsylvanian code ; and, in all other cases, the reformation of the criminal was esteemed a duty not less imperative than the punishment of his offence. To this end, it was ordained that *all prisons should be workhouses,*

<sup>1</sup> Oldmixon. Proud. Chalmers.



where offenders might be reclaimed, by discipline and instruction, to habits of industry and morality, and political benefit educed from the performance of Christian duty. The institutions that resulted from this benevolent enterprise in legislation have reflected honor on Pennsylvania, and diffused their advantages extensively in America and Europe.<sup>1</sup> Notwithstanding the strict injunctions in the royal charter, neither the code of laws which was now established, nor the alteration and enlargement which it subsequently underwent, was ever submitted to royal revision.

No sooner was the assembly adjourned, than Penn hastened to Maryland to vindicate that part of its proceedings which was necessarily offensive to Lord Baltimore, and, if possible, negotiate with this nobleman an amicable adjustment of their respective territorial pretensions. But he seems, from the beginning, to have been aware that such a termination of the dispute was not to be expected; and, notwithstanding the grateful and approving sentiments with which he must necessarily have contemplated Lord Baltimore's tolerant policy, and the protection which the Quakers had experienced from it in Maryland, he plainly regarded him with a prejudice and suspicion not very creditable to his own candor and moderation; finding matter of evil surmise even in the demonstrations of honor and respect which he received from his brother proprietary.<sup>2</sup> Lord Baltimore relied on the priority and distinctness

<sup>1</sup> The Americans have subsequently carried, in practical application, the system of prison discipline perhaps as near perfection as the necessary evil of this corrective instrument will admit. But a nobler principle, aiming directly at the prevention of those vices that taint and destroy communities, has been cultivated with admirable genius, benevolence, and success, in New England. This happy instrumentality has been greatly improved and developed by the generous labors, as well as illustrated and recommended by the excellent writings, of Doctors Tuckerman and Channing of Massachusetts. The compositions of Tuckerman—especially (though it is difficult to particularize, where all are admirable) his sermon, in 1834, at the ordination of Barnard and Gray, and his introduction to the American translation of Degerando's *Visitor of the Poor*—are literary works which every wise and good statesman must earnestly desire to see widely spread and rightly appreciated in his country. We are taught there how the coexistence of riches and poverty in the same commonwealth, instead of proving a divisive principle, the nurse of vice, misery, and social anarchy or arbitrary government, may be rendered a principle of union, the nurse of virtue, happiness, and social order.

<sup>2</sup> In an account of their conference, which Penn transmitted to England, he says, "I met the proprietary of Maryland, attended suitably to his character, who took the occasion, by his civilities, to show me the greatness of his power." Proud.

of his own title ; while Penn defended a later and more indistinct grant, on a plea which was suggested to him by the Committee of Plantations in England,—that it had never been intended to confer on Lord Baltimore any other territory but such as was inhabited by savages only, at the date of his charter ; and that the language of his charter was therefore inconsistent with its intendment, in so far as it seemed to authorize his claim to any part of the region previously colonized by the Swedes or the Dutch. Each of the competitors tenaciously adhered to his interest in property, which, with more or less reason, he considered his own ; and neither could suggest any mode of adjustment, save a total relinquishment of the other's pretensions. To avoid the necessity of recurring again to this disagreeable controversy, we may here so far anticipate the pace of events as to remark, that it was protracted for some years without the slightest approach to mutual accommodation ; that King Charles, to whom both parties complained, vainly endeavoured to prevail with the one or the other to yield ; and that James the Second, soon after his accession to the throne, caused an act of council to be issued for terminating the dispute by dividing the subject-matter of it equally between them. By this arrangement, which had more of equitable show than of substantial justice, Penn obtained the whole of the Swedish and Dutch settlements, and, in effect, preserved all that he or the Duke of York had ever been in possession of. These districts, annexed to his original acquisition, received the name of *the Three Lower Counties, or the Territories of Delaware*, in contradistinction to the remainder of the united domain, which was termed the *Three Upper Counties, or Province of Pennsylvania*.<sup>1</sup>

This busy year was not yet to close without an important and memorable scene, in which the character of Penn appears in a very different light from that which his controversy with Lord Baltimore reflects on it. The commissioners who accompanied the first detachment of emigrants had, in compliance with the proprietary's instructions, negotiated a treaty with the neighbouring Indian tribes, for the purchase of the

<sup>1</sup> Proud. Chalmers.

lands which the colonists were to occupy, and for the assurance of perpetual friendship and peace between the two races of people. The time appointed for the ratification of this treaty now arrived ; and, at a spot where subsequently arose Kensington, one of the suburbs of Philadelphia, the Indian sachems, at the head of their assembled warriors, awaited in arms the approach of a Quaker deputation. To this scene William Penn repaired, at the head of an unarmed train of his sectarian associates, carrying various articles of merchandise, which, on their approach to the sachems, were spread on the ground. Distinguished from his followers by no other external badge than a sash of blue silk, and holding in his hand a roll of parchment that contained the confirmation of the treaty, Penn exchanged salutations with the Indians, and, taking his station under an elm-tree,<sup>1</sup> addressed them with the assistance of an interpreter. He assured them that the Great Spirit, who created all men, and beheld the thoughts of every heart, knew that he and his people sincerely desired to live in friendship and a perpetual commerce of good offices with the Indians. It was not the custom of his friends, he said, to use hostile weapons against their fellow-creatures, and for this reason they came to the conference unarmed. Their intention was not to do injury, and so provoke the Great Spirit, but to do good ; and in this and every transaction with their Indian neighbours, to consider the advantage of both races of people as inseparable, and to proceed with all openness, brotherhood, and love. Having read, from the parchment record, the conditions of the purchase, and the articles of compact, by which it was agreed that all disputes between the colonists and the Indians should be adjusted by arbitrators mutually chosen, he delivered to the

<sup>1</sup> This tree was long regarded with universal respect. During the war of independence, Lieutenant-Colonel Simcoe, who commanded a British force stationed at Kensington, when his soldiers were cutting down all the trees around them for firewood, placed a sentinel under Penn's elm to guard it from injury, — a singular tribute from a man who was engaged in violating the very principles of equity and peace of which the object of his consideration was respected as a memorial, and probably intended as a grateful compliment to the American Quakers, for supporting British tyranny against the liberties of their country. In 1810, the tree was blown down ; and a large portion of it was then conveyed to the seat of the representative of the Penn family at Stoke, near Windsor, in England, where, in 1823, I saw it in a state of complete preservation.



sachems the stipulated price,<sup>1</sup> and farther desired their acceptance, as a friendly gift, of the additional articles of merchandise that were spread before them. He then invited them to consider the land which he had purchased as still common to the two races, and freely to use its resources whenever they might have occasion for them.<sup>2</sup> He added, "that he would not do *as the Marylanders did*, that is, call them children or brothers only; for often parents were apt to whip their children too severely, and brothers sometimes would differ; neither would he compare the friendship between him and them to a chain, for the rain might sometimes rust it, or a tree might fall and break it; but he should consider them as the same flesh and blood with *the Christians*, and the same as if one man's body were to be divided into two parts." He concluded by presenting the parchment to the sachems, and requesting, that, for the information of their posterity, they would cause it to be carefully preserved for three generations. The Indians cordially acceded to these propositions, and solemnly pledged themselves to live in love with William Penn and his children as long as the sun and moon should endure.<sup>3</sup>

Thus was conducted a treaty of which Voltaire has remarked, with more sarcasm than truth or propriety, that it was the only one between the Christians and the Indians that was not ratified by an oath, and that never was broken. Assuredly, no ceremonial altogether resembling the legal formula of a Christian oath was employed by either of the contracting parties; but it is not easy to distinguish the solemn appeal that was made to the omniscience and vindictive justice of a Supreme Being from the substantial interposition of a sacramental pledge; nor would it be easy to cite another treaty between the Europeans and the Indians in which such a pledge was expressed with more or even with equal distinctness and for-

<sup>1</sup> What this price amounted to has nowhere been recorded. Penn, writing in the following year to some friends in England, represents it as *dear*; and adds, "He will deserve the name of wise that outwits them (the Indians) in any treaty about a thing they understand." Proud.

<sup>2</sup> The same liberality was shown by the colonists of New England, where, as we learn from Dr. Dwight, "the Indians were always considered as having a right to dwell and to hunt within the lands which they had sold." *Travels in New England, &c.*

<sup>3</sup> Oldmixon. Proud. Clarkson.

mality. In one respect, indeed, the forbearance of Penn on this occasion to advert to Christianity otherwise than as a mere nominative distinction may have contributed to the cordiality with which his propositions were received. He sedulously forbore every allusion to distinctive peculiarities or offensive truths ; and in addressing men whom he considered as benighted heathens,<sup>1</sup> he descended to adopt their religious nomenclature, and more than insinuated that the Great Spirit of the Indians and the True God of the Christians were not different, but the same. But a much more respectable peculiarity of Quakerism than abstinence from oaths formed the most remarkable feature in this treaty with the Indians, and mainly contributed to insure its durability. Few instances have been recorded of greater magnanimity than was evinced in the explicit declaration of a race of civilized men, surrounded by a nation of warlike barbarians, that they renounced all the advantage of superior military skill, and even disclaimed the employment of every weapon of violence for the defence of their lives or the redress of their wrongs ; trusting the safety of their persons and possessions against human ferocity and cupidity to the dominion of God over the hearts of his rational creatures, and relying on his willingness to signalize this dominion in the protection of all who would exclusively rely on it.

The singular exemplification of Christian character in this respect, by the Pennsylvanian Quakers, was attended with an exemption no less singular from those contentions and calamities which Indian neighbourhood entailed on every other description of European colonists. The intentional injury of a Quaker by an Indian is an event almost, if not altogether, unknown in Pennsylvanian, and very rare in all American history. The probity of dealing, and courtesy of deportment, by which the Quakers generally endeavoured to maintain this good un-

<sup>1</sup> In one of his letters to friends in England, he says of the Indians: "These poor people are under a dark night in things relating to religion." Proud. The following adventure was communicated by Penn himself to Oldmixon. He was visiting an Indian sachem, and had retired for the night, when a young woman, the sachem's daughter, approaching his bed, lay down beside him. Penn was much shocked ; but, unwilling to offend by rejecting an intended compliment, he lay still without taking any notice of her, till she thought proper to return to her own couch. A New England patriarch, in such circumstances, would probably have excited the enmity of the whole Indian tribe by his expressions of displeasure and reprobation.

derstanding, were aided by the distinctions of dress and manners by which the members of their society were visibly segregated from other men, and thus exempted, as a peculiar or separate tribe, from responsibility for the actions, or concern in the quarrels, of their countrymen. The inhabitants of many of the other colonies were no less distinguished than the Quakers for the justice and good faith that characterized their transactions with the Indians; and the Catholic inhabitants of Maryland are said, in addition, to have graced these estimable qualities with the most conciliating demeanour. Yet none were able to obtain an entire exemption from Indian hostility, or to refrain from retaliatory warfare. The people of Maryland were sometimes involved in the indiscriminate rage with which certain of the Indian tribes pursued the hostilities they had commenced against the colonists of Virginia. But whatever animosity the Indians might conceive against the European neighbours of the Pennsylvanians, or even against Pennsylvanian colonists who did not belong to the Quaker society, they never failed to discriminate the followers of Penn, or *children of Onas*<sup>1</sup> (which was the denomination they gave to the Quakers), as persons whom it was impossible for them to include within the pale of legitimate warfare.

The friendship that was created by Penn's treaty between the province and the Indians, refreshed by successive acts of courtesy and humanity, endured for about sixty years, and was never seriously interrupted till near the close of the political supremacy of the Quakers in Pennsylvania. No feature in the manners of the Quakers contributed more efficiently to guard them against Indian ferocity, than their rigid abstinence not merely from the use, but even from the possession, of offensive weapons,<sup>2</sup> enforced by their conviction of the sufficiency of divine aid, and their respect to the Scriptural threat,

<sup>1</sup> *Onas*, in the Indian tongue, signifies a pen. It came to be the Indian appellation of the governors of Pennsylvania, as *Corlear* was of the governors of New York. Proud.

<sup>2</sup> Herodotus (Book IV.) relates of a Scythian tribe, called the Argippæans, that "No man offers violence to this people; for they are accounted sacred, and have no warlike weapon among them." These Scythian Quakers appear also to have studied an observable peculiarity of exterior, by eradicating all the hair from their bodies. Herodotus, indeed, represents them as born without hair; but we know that the same opinion was long, though erroneously, entertained with regard to the aborigines of America.



that all who take the sword shall perish by it. It was a different feature of Christian character that was exhibited by the Puritan colonists of New England in *their* intercourse with the Indians. They felt less indulgence for the frailty of the savages, than concern for their spiritual blindness, and abhorrence of their idolatrous superstition; they displayed less meekness of wisdom than the Quakers, but more of active zeal and missionary ardor. The Puritans were most concerned to promote the religious interests of the Indians; the Quakers, to gain their good-will. The Puritans converted a number of their heathen neighbours; the Quakers conciliated them all. It was unfortunate for the colonists of New England, that, asserting the lawfulness of defensive war, they were surrounded by numerous bold and warlike tribes, stimulated to acts of aggression, at first by their own ferocity and jealousy, and latterly by the intrigues of the French. It was a happy contingency for the planters of Pennsylvania, that the Indian tribes around them were inconsiderable in number, and either belonged to the confederacy or were subject to the influence of the *Five Nations*,<sup>1</sup> who were themselves in alliance with the sister colony of New York.

Nothing can be more exaggerated or inapplicable than the encomiums which numerous writers have bestowed on this celebrated transaction between Penn and the Indians. They have, with unhappy partiality, selected as the chief, and frequently the sole, object of commendation, the supposed originality of the design of buying the land from the savages, instead of appropriating it by fraud or force,—which last they represent as the only methods of acquisition that had been employed by the predecessors of Penn in the colonization of North America.<sup>2</sup> This is at once to reproach all the other

<sup>1</sup> Oldmixon. Chalmers.

<sup>2</sup> The Abbé Raynal declares, that Penn, by purchasing a conveyance from the Indians, in addition to his charter from the king of England, "is entitled to the glory of having given an example of moderation and justice in America, never so much as thought of before by the Europeans." Noble, in his *Continuation of Granger*, says, "He occupied his domains by actual bargain and sale with the Indians. This fact does him infinite honor. Penn has thus taught us to respect the lives and properties of the most unenlightened nations." It would be easy to multiply similar quotations. Even Mr. Clarkson, who acknowledges that Lord Baltimore, at least, preceded Penn in this act of justice, cannot refrain from complimenting Penn for soaring, in this

founders of civilized society in North America with injustice and usurpation ; to compliment the Indians with the gratuitous supposition that only bare justice on the part of the colonists was requisite to the preservation of peace between the two races ; and to ascribe to Penn a merit which assuredly did not belong to him, and which he himself (though by no means deficient in self-complacency) has expressly disclaimed. The example of that equitable consideration of the rights of the native owners of the soil, which has been supposed to have originated with him, was first exhibited by the planters of New England, whose deeds of conveyance from the Indians were earlier by half a century than his ; and was successively repeated by the planters of Maryland, Carolina, New York, and New Jersey, before the province of Pennsylvania had a name. Penn was introduced to an acquaintance with American colonization by succeeding to the management of New Jersey, in which Berkeley and Carteret had already established this equitable practice ; and his own conformity to it in Pennsylvania was expressly recommended to him by Bishop Compton (whose interference we have remarked in the composition of the charter), and was publicly ascribed by himself to the counsels of that prelate.<sup>1</sup>

The continual arrival of vessels, transporting settlers to the colony from all parts of the British dominions, afforded frequent occasion to Penn for the exercise of the agreeable labor of surveying his territories, and appropriating to the purchasers their respective allotments of land. [1683.] One of these allotments, consisting of a thousand acres, was a gift from the proprietary to his friend, George Fox, and formed the only landed estate which this venerable founder of Quakerism ever

instance, "above the prejudices and customs of his time." The most modest and moderate account of Penn's treaty which I have seen is that which claims Mr. Dillwyn (See Note XII., at the end of the volume) for its author.

<sup>1</sup> In a letter from Penn to the Lords of the Committee of Trade and Plantations in England (in 1683), he declares, that "I have followed the Bishop of London's counsel, by buying, and not taking away, the natives' land." Proud. This letter is also printed by Chalmers. Mr. Clarkson refers to it as containing Penn's statement of his controversy with Lord Baltimore, but has not thought that the credit of Penn would be advanced by its republication. It consists chiefly of an elaborate attempt to vindicate his own pretensions to the Delaware territory, and to interest the Lords of Trade to support them against Lord Baltimore's claims. Hence, perhaps, the readiness he evinces to compliment the Bishop of London.

possessed.<sup>1</sup> The greater number of the emigrants still continued to be Quakers, with the addition of some other Dissenters, withdrawing from the severities of persecution and the contagion of European vices ; and their behaviour in the colony corresponding with the noble motives that conducted them to it,<sup>2</sup> the domains of Penn exhibited a happy and animated scene of active industry, devotional exercise, and thankful enjoyment of civil and religious liberty. It appeared, however, that some worthless persons had already intruded themselves among the more respectable settlers ; and three men, who were now brought to trial and convicted of coining adulterated money, gave occasion to the first practical display of the mildness of Pennsylvanian justice.

Shortly before this judicial proceeding, the second convocation of the legislative assembly of Pennsylvania and Delaware had taken place. [March, 1683.] In this assembly some new laws were passed, and certain anomalies in legislation were broached. It was proposed that all young men should be compelled by law to marry before a certain age ; and that no inhabitant of the province should be permitted to have more than two suits of clothes, one for summer and the other for winter ; but these propositions were, very properly, rejected. More wisdom was displayed in an ordinance which abrogated the common law with regard to the descent of lands, and enacted, that, in the succession of children to a father dying intestate, the eldest son should have no farther preference than a double share. However consonant it might be to feudal principles to bestow the fief undiminished upon the son who was first able to defend it, this policy was manifestly unsuitable to colonists, who, having a vast wilderness to cultivate, were in prudence obliged to multiply the incentives to exertion by an extensive diffusion of interest and property in the soil. An impost upon goods imported and exported was voted to the proprietary,<sup>3</sup> who acknowledged the kindness of the assembly,

<sup>1</sup> Fox disposed of this estate by his will. But he never was in Pennsylvania.

<sup>2</sup> See Note XV., at the end of the volume.

<sup>3</sup> This seems to refute the allegation of Dr. Franklin, in his *Historical Review of the Constitution of Pennsylvania*, that "Penn prevailed with his first colonists to submit to his quitrents, by holding out the delusive hope that they would supersede all public impositions for the support of government."



but wisely and liberally remitted the proposed burden on the province and the traders who resorted to it. But the most important business transacted in this session was an alteration in the constitution of the State, which, unquestionably, from whatever cause, underwent in its infancy a fluctuation almost, if not altogether, unexampled in the history of the other colonial establishments. William Penn having demanded of the members of council and assembly, "whether they desired to preserve his first charter, or to obtain a new one," they unanimously adopted the latter part of the alternative; and with the assistance of a committee of these bodies, a new frame or charter was forthwith prepared. The chief purpose of this transaction seems to have been to legalize (according to Penn's ideas) the alteration introduced by the *act of settlement* passed by the prior assembly. It was accordingly now provided, by a charter emanating from the proprietary, that the provincial council should consist of eighteen persons, three from each county, and the assembly of thirty-six, by whom, in conjunction with the governor, all laws were to be made and public affairs conducted. But still no laws could be proposed in the assembly, except such as had been considered and prepared by the governor and council. The only change in the distribution of power that was produced by this new charter was, that the governor, with his treble vote, necessarily possessed more control in a council of eighteen, than by the original frame he could have enjoyed in a council of seventy-two members. The interests of freedom were, however, promoted by a grant, to all the inhabitants of the province, of unlimited liberty to hunt in uninclosed lands and to fish in all waters, "that they may be accommodated with such food and sustenance as God in his providence hath freely afforded";<sup>1</sup> and aliens were encouraged by a provision, that, in case of their dying without having been previously naturalized, their lands should, nevertheless, descend to their heirs. The new charter was thankfully ac-

<sup>1</sup> This specification of the legitimate objects of hunting and fishing was probably intended to obviate the appearance of Quaker sanction of the pastime of the chase. Sanguinary sports have always been deemed utterly repugnant to Quakerism. Yet, at a later period, a Pennsylvanian Quaker was celebrated for possessing the only pack of hounds existing at the time in North America. Cobbett's *Year's Residence in the United States*.

cepted by the representatives of the people, who closed their second assembly with expressions of undiminished attachment to the proprietary.

This assembly was held at the infant city of Philadelphia. Soon after his arrival in the province, Penn had selected a commodious situation, between the rivers Schuylkill and Delaware, for the erection of the metropolis of Pennsylvania ; and, having regulated the model of the future city by a map,<sup>1</sup> he bestowed on it a name expressive of that brotherly love which he hoped would ever characterize its inhabitants. Many of the streets he distinguished by appellations descriptive of the peculiar forest-trees that were cut down to make room for them, and which still continue to commemorate the sylvan original of the place. The progress of the buildings of Philadelphia was a favorite object of his care, and advanced with such rapidity, that, in less than a year from its commencement, the inhabitants of a hundred substantial houses beheld [1684] from these structures of civilized life the caves whose rude shelter they had so recently occupied ; and in the course of the following year the population of the city amounted to two thousand five hundred persons.<sup>2</sup>

The remainder of the time spent by the proprietary, in his first visit to his colony, was employed in conducting his controversy with Lord Baltimore ; in extending his treaties with the Indian tribes, to whom his presents from time to time amounted in value to several thousand pounds ; in acting as a minister among the Quaker colonists, and arranging the frame of their sectarian practice and discipline ; and in impelling and directing the progress of his favorite city of Philadelphia. He saw his religious society and principles established in a land where they were likely to take a firm and vigorous root and expand with unbounded freedom ; and institutions rising around him that promised to illustrate his name with a lasting and honorable renown. In fine, he beheld the people who ac-

<sup>1</sup> In the *Connection of the History of the Old and New Testament*, by Dean Prideaux, there is a plan or model of the city of ancient Babylon. "Much according to this model," says the dean, "hath William Penn, the Quaker, laid out the ground for his city of Philadelphia, in Pennsylvania ; and were it all built according to that design, it would be the fairest and best city in all America, and not much behind any other in the whole world."

<sup>2</sup> Oldmixon. Proud. Chalmers. Clarkson.

knowledge his supremacy happy and prosperous, and seemed himself to enjoy his transatlantic retirement.<sup>1</sup> The only subjects of trouble or disappointment, which his colonial project had yet produced, were, his dispute with Lord Baltimore, and the failure of his efforts to guard the Indians from that destructive vice which the vicinity of Europeans has always contributed to diffuse among them. A law was passed against supplying those savages with spirituous liquors ; but the practice had been introduced by the colonists of Delaware long before Penn's arrival, and his attempts to suppress it proved ineffectual. The Europeans acknowledged the cruelty and injustice of this traffic, and the Indians confessed their experience of its baneful effects ; but neither could be persuaded to desist from it. It was attended with the additional evil of confirming the Indians in their roving habits of life and distaste for the discipline of civilization ; as the peltry they acquired in hunting was the only commodity they were able to exchange with the colonists for rum and brandy.<sup>2</sup> The more valuable possessions and advantages by which the colonists were distinguished were either lightly esteemed by the Indians, or reckoned unworthy of the constant toil that was required to procure them. In answer to the advice of the Europeans, that they should betake themselves to a life of regular industry, one of the Indians begged to hear some satisfactory reason *why he should labor hard all his days to make his children idle all theirs.*<sup>3</sup>

In the midst of a scene of felicity as unmixed, perhaps, as any society of human beings ever exhibited, Penn resolved upon returning to England, in order to fortify, by personal solicitation, the interest which he possessed at the English court,

<sup>1</sup> In a letter to a friend in England, he says, "O, how sweet is the quiet of these parts, free from the anxious and troublesome *solicitations*, hurries, and perplexities of *woful Europe* ; and God will thin her ; the day hastens upon her." Proud.

<sup>2</sup> "An Indian," says Charlevoix, "who has once tasted brandy, never after applies himself to fishing or agriculture. He thinks only of amassing furs in order to purchase the means of intoxication."

<sup>3</sup> Oldmixon. Proud. S. Smith. "The Indians have a sovereign contempt for whatever is not necessary, — that is, for the very things which we hold in the greatest estimation." Charlevoix. This is too broad an assertion. Proud, the Quaker, in one page compliments the Indians for their stoical indifference to all finery whatever ; and in the very next condemns their childish partiality for finery of apparel.



and which he was desirous to employ in furtherance of his suit with Lord Baltimore, as well as for the relief of a number of his Quaker brethren who were suffering in the parent state from an increased strictness in the execution of the penal laws against Nonconformists.<sup>1</sup> In preparation for this measure, he intrusted the administration of his proprietary functions to the provincial council, of which he appointed Thomas Lloyd, a Quaker, to be president, and his own kinsman, Markham, to be secretary ; and committed the distribution of justice, in conformity with the existing laws, to Nicholas Moore and four other planters, whom he constituted the provincial judges. [June, 1684.] On the eve of his departure, and having already embarked, he addressed to Lloyd, and others of his more intimate associates, a valedictory letter, which he desired them to communicate to all his friends in Pennsylvania and Delaware. "Dear friends," he declared, "my love and my life is to you and with you ; and no water can quench it, nor distance wear it out or bring it to an end. I have been with you, cared over you, and served you with unfeigned love ; and you are beloved of me and dear to me beyond utterance. I bless you in the name and power of the Lord ; and may God bless you with his righteousness, peace, and plenty, all the land over. O, that you would eye him in all, through all, and above all the works of your hands ! " After admonishing those to whom he committed the office of magistracy to consider it as a sacred function and heavenly trust, he apostrophized his favorite city with this votive benediction : — "And thou, Philadelphia, the virgin settlement of this province, named before

<sup>1</sup> The unfortunate consequences that attended Penn's withdrawal at this period from the *quiet* of America, to plunge again into the *solicitations of woful Europe*, have rendered the cause of this step a subject of some importance. Oldmixon, who derived his information from Penn himself, says, that he was determined, much against his will, to return, by tidings of the persecution of the Quakers and other Dissenters in England ; and that "he knew he had an interest in the court of England, and was willing to employ it for the safety, ease, and welfare of his friends." But Proud, who is by far the best authority on points of early Pennsylvanian history, declares that "the dispute between him and the Lord Baltimore before-mentioned was what mainly occasioned Penn's return to England." In a letter written shortly after his arrival in England, Penn says that "he had seen the king and the Duke of York. They and their nobles had been very kind to him, and he hoped the Lord would make way for him in their hearts to serve his suffering people, as also his own interest as it related to his American concerns." Clarkson.

thou wert born, what love, what care, what service, and what travail has there been to bring thee forth, and preserve thee from such as would abuse and defile thee ! O, that thou mayest be kept from the evil that would overwhelm thee ! that, faithful to the God of thy mercies in the life of righteousness, thou mayest be preserved to the end ! My soul prays to God for thee, that thou mayest stand in the day of trial, that thy children may be blest of the Lord, and thy people saved by his power. My love to thee has been great, and the remembrance of thee affects mine heart and mine eyes. The God of eternal strength keep and preserve thee to his glory and thy peace !” “ So, dear friends,” he thus concluded, “ my love again salutes you all, wishing that grace, mercy, and peace, with all temporal blessings, may abound richly among you : — So says, so prays, your friend and lover in the truth, William Penn.”

At the period of the proprietary's departure from the province, Philadelphia already contained three hundred houses, and the population of Pennsylvania amounted altogether to six thousand souls.<sup>1</sup> Of the increase which the population of the Delaware territory had undergone no memorial has been preserved.

<sup>1</sup> Oldmixon. Proud.

## CHAPTER II.

Penn's Favor at the Court of James the Second. — Dissensions among the Colonists — their Disagreement with Penn about his Quitrents. — He appoints five Commissioners of State. — Rumor of an Indian Conspiracy. — Penn dissatisfied with his Commissioners — appoints Blackwell Deputy-Governor. — Arbitrary Conduct of Blackwell. — Displeasure of the Assembly. — Dissension between the people of Delaware and Pennsylvania. — Delaware obtains a separate Executive Government. — George Keith's Schism in Pennsylvania. — Penn deprived of his Authority by King William. — Fletcher appointed Governor. — Penn's Authority restored. — Third Frame of Government. — Quaker Accession to War. — Penn's second Visit to his Colony. — Sentiments and Conduct of the Quakers relative to Negro Slavery. — Renewal of the Disputes between Delaware and Pennsylvania. — Fourth and last Frame of Government. — Penn returns to England. — Union of Pennsylvania and Delaware dissolved. — Complaints of the Assembly against Penn. — Misconduct of Governor Evans. — He is superseded by Gookin. — Penn's Remonstrance to his People. — State of Pennsylvania and Delaware at the Close of the Seventeenth Century.

BIDDING adieu to the peaceful scene of his infant commonwealth, Penn transferred his presence and activity to the very dissimilar theatre of the court of England. [1685.] Here the interest which he possessed was soon increased to such a degree, by the advancement of his patron and his father's friend, the Duke of York, to the throne, that, in the hope of employing it to his own advantage and to the general promotion of religious liberty,<sup>1</sup> he abandoned all thoughts of returning to America, and continued to reside in the neighbourhood, and

<sup>1</sup> The address of the Quakers of England to James the Second, on his accession to the throne, was conceived in these brief and simple terms: "We are come to testify our sorrow for the death of our good friend Charles, and our joy for thy being made our governor. We are told thou art not of the persuasion of the church of England, no more than we; wherefore we hope thou wilt grant us the same liberty which thou allowest to thyself, which doing, we wish thee all manner of happiness." And yet these Quakers perfectly well knew that the prince whom they thus addressed was, at the time, and had for several years before been, waging a savage persecution against the people of Scotland for their dissent from a church from which he himself still more widely dissented.



even to employ himself in the service of the court, as long as James the Second was permitted to wear the crown ;— a policy, which, in the sequel, proved extremely prejudicial to his reputation in England and to his interest in America. The first fruit of his enhanced influence at court was the adjudication that terminated his controversy with Lord Baltimore and secured to him the most valuable portion of the Delaware territory.<sup>1</sup> Fruits of a more liberal description illustrated his successful efforts to procure a suspension of the legal severities to which the members of his own religious society were exposed, and for the discontinuance of which he had the satisfaction of presenting an address of thanks to the king from all the Quakers in England.<sup>2</sup>

This year was signalized by an attempt, that originated with the annual meeting of the Quaker society at Burlington, in New Jersey, to communicate the knowledge (such knowledge as the teachers themselves possessed) of Christian truth to the Indians. These savages readily acceded to the conferences that were proposed to them, and listened with their usual gravity and decorum to the first body of missionaries who, in professing to obey the divine command to *teach and baptize* all nations, ever ventured to teach that baptism was not an ordinance of Christian appointment. Of the particular communications between the Quaker teachers and the Indians no ac-

<sup>1</sup> This adjudication was not so distinct as to prevent much subsequent dispute respecting the precise boundaries between Delaware and Maryland, which continued to distract the inhabitants on the borders of these provinces, till it was adjusted in 1750, by a decree pronounced in Chancery by Lord Hardwicke. Chalmers. *Vesey's Reports*. This decree was not finally executed till the year 1762, when "the inhabitants on the Pennsylvanian side, near the boundary, agreed to employ two ingenious English mathematicians, after their return from the Cape of Good Hope (where they had been to observe the transit of Venus in 1761), finally to settle or make out the same; which was accordingly performed by them; and stone pillars erected, to render the same more durably conspicuous." Proud.

Nothing was more common, for a long time, in the American provinces, than disputes arising from uncertain boundaries. A dispute of this nature between the townships of Lyme and New London, in New England, during the seventeenth century, was decided by a solemn pugilistic combat between four champions chosen by the inhabitants of the two places. *Dwight's Travels*.

<sup>2</sup> Proud. The civic company of *cooks* in London followed the example of the Quakers in thanking the king for his declaration of indulgence, by an address (published in the *London Gazette*) in which they protested that this act of power "resembles the Almighty's manna, which suited every man's palate; and that men's different gustos may as well be forced, as their different apprehensions about religion."

count has been preserved ; but the result, as reported by a Quaker historian, was, that the Indians in general acknowledged at the time that what they heard was very wise, weighty, and true, — and never afterwards thought farther about it.<sup>1</sup> The first successful attempts to evangelize the Indian inhabitants of New Jersey, Delaware, and Pennsylvania were not made till towards the middle of the following century, when this work was undertaken by the celebrated David Brainerd, of New England, and by certain Moravians who had emigrated from Germany. Indian converts to Christianity have been gained in America by Catholics, Puritans, and Moravians ; but no instance has been recorded of the religious conversion of an Indian by Quakers.

Meanwhile, the emigration from England to Pennsylvania continued to flow with undiminished current ; the stimulus, that had been previously afforded by the rigors of ecclesiastical law, being amply supplied by the dislike and suspicion with which the king's civil policy was regarded, — by the accounts which were circulated of the prosperity enjoyed by the colonists of this province, — and by the common belief that Penn's interest with the king would protect its liberties from the general wreck in which royal tyranny had involved the constitutions of the other American colonies.<sup>2</sup> But this increase in the numbers of his colonists was now the sole satisfaction that they were to afford to the proprietary ; and his connection with them henceforward was clouded by disappointment, and embittered by mutual dispute. It was but a few months after his departure from the province, that a spirit of discord began to manifest itself among the planters. Moore, the chief justice, and Robinson, the clerk of the provincial court, neither of whom belonged to the Quaker society, had rendered themselves disagreeable to the leading persons of this persuasion in the colony. The first was impeached by the assembly of high crimes and misdemeanours, — and for refusing to answer the charge was suspended from his functions by the council ; while a very disproportioned censure was

<sup>1</sup> Proud.

<sup>2</sup> In 1685, the number of inhabitants of Pennsylvania was seven thousand. Warden.

passed on the other, who, for what was deemed contemptuous behaviour in answering the questions of the assembly, was not only deprived of his liberty, but voted "a public enemy to the province and territories." Of the charges against Moore not a trace has been preserved ; but it is manifest that Penn considered them frivolous or unfounded. In vain he wrote to the authors of these measures,<sup>1</sup> entreating them to moderate their tempers, and forbear from the indulgence of animosities so discreditable to the colony ; to value *themselves* a little less, and to honor other men a little more. The assembly answered by professions of the highest reverence for himself, accompanied by entreaties (unfortunately ineffectual) that he would return to live among his people ; but declared withal that they thought fit "to humble that corrupt and aspiring minister of state, Nicholas Moore."

The correspondence between the proprietary and this body, as well as the council, assumed in its progress an increasingly unfriendly complexion. To other causes of displeasure were added reports of the increased consumption of spirituous liquors among the colonists, — the intemperance which they propagated among the Indians thus recoiling upon themselves ; and complaints of various abuses and extortions committed by the officers whom Penn had appointed to conduct the sales of his land. But nothing else mortified him so keenly as the difficulty he experienced in obtaining payment of his quitrents, and the reluctance that was shown to comply with, or even bestow any attention on, his applications for the arrears of this revenue. The people in general had rather submitted to than approved the imposition of quitrents ; and, though prospering in their circumstances, and conscious of the expenses that the proprietary had incurred for their advantage, they were as yet only beginning to reap the first fruits of the far greater expenses incurred by themselves in purchasing their possessions from him, and in transporting themselves and their families, servants, and substance to the province. Much labor and expense was yet wanting to render more than a

<sup>1</sup> "For the love of God, me, and the poor country," he says in one of these letters, "be not so *governmentish*, so noisy and open in your dissatisfactions. Some folks love *hunting* in government itself." Proud.



small portion of their lands productive of advantage to them ; and the summons now addressed to them to pay quitrents for the whole, and for this purpose to surrender the first earnings of their own hazard, hardship, and toil, to be expended by their proprietary in a distant country, was a measure ill qualified to obtain their favorable regard, and which the very munificence of the proprietary, that rendered it the more urgently necessary on his part, had by no means prepared them to expect. Penn had hoped that the council to whom he delegated his proprietary functions would have spared him the humiliating necessity of descending to a personal solicitation of quitrents from his people. But, so far were the council from demonstrating such regard for his delicacy or his interest, that they would give him no assistance whatever in the prosecution of his unpopular demand, and even forbore to take any notice of the remonstrances which he addressed to them on the neglect of their duty. [1685.] Astonished and indignant to find himself treated in a manner which he deemed so unjust and unmerited, Penn was provoked to reproach his people in a letter which forms a melancholy contrast to the beautiful valediction with which he had taken his leave of them, scarcely two years before. [1686.] He complained that the provincial council neglected and slighted his communications ; that the labor which he religiously consecrated to his people's good was neither valued nor understood by them ; and that their conduct in other respects was so unwarrantable, as to have put it in his power more than once to annul the charter he had bestowed on them, if he had been disposed to take advantage of their ungrateful folly. He declared that he was suffering much embarrassment by the failure of the remittances he had expected from America, and that this was one of the causes of his detention in England. His quitrents, he insisted, ought then to amount, at the very least, to five hundred pounds a year ; but he could not obtain a penny of this income. " God is my witness," he protested, " I lie not. I am above six thousand pounds out of pocket more than ever I saw by the province ; and you may throw in my pains, cares, and hazard of life, and leaving of my family and friends to serve them." If this statement be perfectly accurate, we are to

believe that he had already sold a million acres of land in the province, and devoted twenty thousand pounds (the stipulated price corresponding to sales of that extent) to the public service, besides the additional expenditure which he mentions of six thousand pounds.

The proprietary's remonstrance, which was more especially addressed to the provincial council, having proved as unavailing as his preceding applications, Penn determined to withdraw from that body the management of his interests and the administration of the executive power, which he had committed to it on his departure from the province. Expecting more activity from fewer ministers, and more affection to his service from other men, he resolved to confine the executive power to five persons ; and, in order to mark his sense of the injurious treatment of an individual who possessed his friendship and esteem, he hesitated not to appoint Nicholas Moore one of the officers by whom this important function was to be exercised. To Lloyd, the former president of the council, and three other Quakers, in conjunction with Moore, he granted, accordingly, a warrant or deputation investing them with the administration of the proprietary authority under the title of *commissioners of state*. [December, 1686.] He commanded them, in the very first assembly that should be holden after their instalment in office, to abrogate, in the proprietary's name, every law that had been enacted during his absence. He required them heedfully to note and check any tendency to disorder, dispute, or collision of powers between the several organs of government, and, for this purpose, to permit no parleying or open conference between the council and the assembly, but to confine the one to the exercise of its privilege of proposing laws, and the other to a simple expression of assent or negation. He charged them to act with vigor in repressing vices, without respect of persons or persuasions, — adding, “ Let not foolish pity rob justice of its due, and the people of proper examples. I know what malice and prejudice say ; but they move me not. I know how to allow for new colonies, though others do not.” He advised them, before ever *letting their spirits into any affair*, to lift up their thoughts to the Almighty Being who is never far from any of his creatures,

and to beseech from this only source of intelligence and virtue the communication of a good understanding and a temperate spirit. He recommended to them a diligent care of the proprietary's interest, and a watchful attention to the preservation of their own dignity. "I beseech you," he said, "draw not several ways; have no cabals apart, nor reserves from one another; treat with a mutual simplicity, an entire confidence in one another; and if at any time you mistake, or misapprehend, or dissent from one another, let not that appear to the people: show your virtues, but conceal your infirmities; this will make you awful and reverent with the people." "Love, forgive, help, and serve one another," he continued; "and let the people learn by your example, as well as by your power, the happy life of concord."<sup>1</sup>

The new arrangement proved more conducive than might reasonably be supposed to the peace of the province, which appears for some time to have sustained no other interruption than what arose from the rumor of a conspiracy of the Indians for a general massacre of the colonists. [1687.] In the midst of the consternation which this report excited, Caleb Pusey, a Quaker, volunteered to repair to the spot where the conspirators were said to have assembled in preparation for their bloody enterprise, — provided five other persons deputed by the council would consent to accompany him, and to appear, as he purposed to do, unarmed before the Indians. [1688.] Never was the dignity and utility of moral courage more signally displayed; nor ever was this virtue more happily contrasted with that moral cowardice, which, united (as it frequently is) with animal spirit and personal bravery, would, on such an emergency, have inspired counsels equally dangerous and cruel. On the arrival of Pusey and his magnanimous associates at the spot to which they were directed, they found only an Indian prince with a small retinue engaged in their

<sup>1</sup> Proud. In a letter to these commissioners, some time after, he tells them: — "They that live near to God will live far from themselves; and, from the sense they have of his nearness and majesty, have a low opinion of themselves; and out of that low and humble frame of spirit it is that true charity grows. O, that the people of my province felt this gracious quality abounding in them! My work would then be done, and their praise and my joy unspeakably abound. Wherefore, in the name and fear of God, let all old sores be forgotten as well as forgiven." Ibid.



ordinary occupations. The prince, to whom they related the cause of their visit, informed the deputies that the Indians were indeed disappointed to find that the price of a recent occupation of land was not yet fully paid to them ; but that, having perfect confidence in the integrity of the English, they were by no means impatient : he protested that the story of the projected massacre was a wicked fabrication, and that some Indian women who had contributed to give it currency deserved to be burned alive. One of the deputies having reminded the prince that the Indians and the English were the creatures of the same God, and equally the objects of his impartial benevolence, which he manifested by sending dew from heaven alike on their lands, and urged that the two races ought therefore to love one another, — the prince replied, “ What you have said is true ; and as God has given you corn, I would advise you to get it in, for we intend you no harm.” This amicable assurance, repeated by the deputies to their friends, delivered the province from an apprehension that had spread general dismay.

But Penn was far from deriving the satisfaction which he had expected from his commissioners of state ; and his letters continued to repeat, though in a milder tone than before, his complaints of the detention of his quitrents, the neglect of his communications, and the disregard of his services. “ *I believe I may say,*” was his expression at this period, “ *I am one of the unhappiest proprietaries with one of the best people.*”<sup>1</sup> From the numerous apologies contained in these letters for his continued residence in England, and his protestations that he found attendance at court as burdensome and disagreeable as the state of a slave in Turkey, it would seem that the people of Pennsylvania regarded his absence from them with much dissatisfaction. At length, Lloyd and some of the other Quaker commissioners desiring that he would release them from their functions, Penn conceived that some farther change was necessary in the form of the provincial government ; and, having determined to commit his authority and

<sup>1</sup> “ It is none of the endearingest considerations,” he adds in the same letter, “ that I have not had the present of a skin, or a pound of tobacco, since I came over.” Proud. Yet Penn condemned the use of tobacco, and vainly endeavoured to persuade the Quakers to renounce it. Clarkson.

his interests to the more active management of a single individual invested with the rank of deputy-governor, he selected for this purpose Captain John Blackwell, one of Cromwell's officers, who had married the daughter of General Lambert, and was residing at this time in New England. The consequences of this appointment were, effectually, the reverse in all respects of those which had resulted from the preceding one ; but, unfortunately, they were much more disagreeable and pernicious. Blackwell was highly esteemed by Penn, and he probably exerted himself more diligently than his predecessors in the executive authority had done to vindicate the patrimonial interest of the proprietary ; but he provoked the indignation and disgust of the people by arbitrary and illiberal conduct. "Rule the meek meekly," was the instruction of Penn to him ; "and those that will not be ruled, rule with authority." But meekness was no part of the disposition of Blackwell ; and violence and intrigue were the chief engines of his policy.<sup>1</sup> He commenced his administration by endeavouring, not without effect, to sow discord among the planters, and to overawe the timid by a display of power. But he had mistaken the real character of the people over whom he presided ; and was taught, by the issue of an obstinate struggle, that the profession of Quaker meekness and submission is by no means inconsistent with the exertion of inflexible firmness and determination. Finding that White, the individual who had given most displeasure to Penn, by urging the impeachment of Moore, was chosen a delegate to the assembly, he resolved to debar him from attendance there ; and for this purpose caused him to be thrown into prison on the most frivolous pretences. A writ of *habeas corpus* was procured in behalf of White ; but the execution of it was long impeded by the devices of Blackwell.

Other practices, no less iniquitous and tyrannical, were em-

<sup>1</sup> Penn appears to have been deceived on this occasion by a repute of which Blackwell proved to be totally undeserving. He apologized to the people of Pennsylvania for the unhappy consequences that resulted from his misplaced confidence, by stating that he had acted for the best, and had not selected Blackwell till he found it impossible to prevail with any Quaker to accept the office of deputy-governor ; yet, he added withal, "I must say, I fear his peevishness to some friends (Quakers) has not arisen out of the dust without occasion." Proud.

ployed by him for disabling men whom he disliked or suspected from performing the functions of members of the provincial council. To give the assembly time to cool, after the commission of these outrages, he deferred the convocation of it as long as possible, and at last opened its session with a speech conceived in the most haughty and imperious strain. [March, 1689.] His predecessors in authority had not considered it expedient to comply with the proprietary's desire of abrogating all the laws enacted in his absence ; but this measure was now announced by the deputy-governor with an insolence that would have discredited a more acceptable communication. The first act of the assembly was a remonstrance against his arbitrary conduct ; and the utmost that his influence could accomplish with some of the members of this body was to prevail with them to absent themselves from its sittings. This miserable device had no other effect than to provoke the assembly to declare that the secession of those members was a treacherous desertion of the public service. They voted, at the same time, a series of resolutions, importing " that the proprietary's absence, as it may be to his disappointment, so it is extremely to the people's prejudice ; that, as to the project of abrogating all the laws, he has no right so to do, because every law is in force that has not been declared void by the king ; that, even with the consent of the freemen, the proprietary can make no laws to bind the province, except in the way prescribed by the charter ; and that, as it is desirable, so it is also to be hoped, that no laws of any other make will be imposed upon the people." After a vain struggle with an opposition thus resolutely conducted, Blackwell was compelled to abandon his office, and depart from the province, leaving the executive authority once more in the hands of the provincial council, of which the presidency was resumed by Thomas Lloyd.<sup>1</sup> [Dec., 1689.]

The ferment that was excited during Blackwell's administration, whatever evil influence it may have exercised on the tempers of the colonists, had not the effect of retarding even in the slightest degree the rapid pace with which their pros-

<sup>1</sup> Proud. *Modern Universal History*. Franklin's *Historical Review of the Constitution of Pennsylvania*. Chalmers.



perity was advancing. On the contrary, a more vigorous spring seemed to have been imparted to the industry and general progress and improvement of the community, — as if the energy that was aroused by the strong provocation of public spirit had diffused its influence through every occupation and department of life. It was in the present year that the first institution for the education of youth was established in Pennsylvania. This was called *The Friends' Public School of Philadelphia*; at the head of it was placed George Keith, a celebrated Quaker writer; and it was subsequently incorporated and enlarged by charters from the proprietary.<sup>1</sup>

It had been happy for Penn, if he had sooner discovered how detrimental to all his interests his long absence from the colony and residence at the English court must inevitably prove. The revolution of the British government, that occurred in the close of the preceding year abruptly destroyed that precarious favor of a tyrant, for the sake of which he had risked his popularity in England and his influence in Pennsylvania, and which infatuated his understanding to such a degree that he even continued to correspond with the fugitive monarch after his expulsion from the throne. No satisfactory evidence has ever been adduced to prove that he was personally engaged in the plots that were formed at this period for the restoration of James; but as he voluntarily lingered in England for some time after the revolution was accomplished, and never transmitted any instruction for proclaiming William and Mary in Pennsylvania, it is not improbable that he looked with some expectation to the success of those attempts.<sup>2</sup> To return to America was soon after put out of his power, by the consequences of the general suspicion which his conduct excited in

<sup>1</sup> Proud. Chalmers.

<sup>2</sup> In a letter, written by him to his friends in Pennsylvania in January, 1689, he says, "Great revolutions have been of late in this land of your nativity, and *where they may period* the Lord knows." He adds, that "to improve my interest with King James for tender consciences" had been the main cause of his detention so long in England. Proud. From a letter of Leisler, who at this period acquired much celebrity at New York (*ante*, Book V., Chap. II.), to Bishop Burnet, it appears that he accounted Pennsylvania one of the strongholds of the Jacobites in America, and that a considerable number of this party were then retiring from the other provinces to Pennsylvania and New Jersey. Chalmers. Smollett asserts that Penn was an accomplice in Lord Preston's plot for the restoration of King James. Similar charges against Penn have been preferred by the historians Burnet and Ralph.

England. [1690.] He was compelled to give bail for his appearance before the privy council ; and though he more than once succeeded in justifying himself from the charges adduced against him, yet, finding that farther accusations continued to be preferred, and that a warrant at length was issued for committing him to prison, he thought proper to sequester himself from public view, and to live in a state of concealment. His name was occasionally inserted in the proclamations for the apprehension of suspected persons, issued from time to time by the English ministers ; who were, however, too deeply engaged in more pressing and important affairs, to have leisure as yet to attend to the concerns of his Pennsylvanian sovereignty. During this retirement, his repose was invaded very disagreeably by tidings of factious disputes and dissensions among his people, and particularly by the rupture that took place between Pennsylvania and Delaware, and separated from each other two communities; for the conjunction of which he had labored with a zeal that outstripped his usual equity and moderation.

The increasing strength and importance of Pennsylvania had gradually excited the jealousy of the people of Delaware, who beheld with impatience their own more ancient settlement verging into comparative insignificance, as the mere fraction of a younger but more thriving community. The members deputed to the provincial council at Philadelphia from Delaware complained that they were deprived of a just share in the direction of public affairs, and attempted by intrigue to counterbalance the preponderance of their Pennsylvanian associates. Privately assembling, without the usual formality of an official summons, in the council-room, they assumed plenary possession of the executive functions vested in the whole body, and issued warrants for displacing a number of public officers, and appointing others to fill their places. [September, 1690.] This transaction was almost instantly declared illegal and void by a council more regularly convoked ; but the waters of strife had now broke forth, and could no longer be stayed. Penn, alarmed at these dissensions, sought to mediate between the parties, and desired them to make choice of any one of the three forms of executive administration which they had already successively tried. He was willing, he said, to invest the executive power

either in the council, or in five commissioners, or in a deputy-governor ; and their choice would be determined by the recollection of which of these they had found the most impartial in the distribution of municipal functions and emoluments. [January, 1691.] The Pennsylvanians at once declared themselves in favor of a deputy-governor ; and, anticipating the proprietary's approbation of their wishes, desired Lloyd to undertake the duties of this office. The Delaware counsellors, on the contrary, protested against this choice, and declared their own preference of a board of commissioners. They refused to submit to the government of Lloyd, and, withdrawing from the council, returned to Delaware, where their countrymen were easily induced to approve and support their secession. In vain Lloyd endeavoured, by the most liberal and generous offers to the Delaware colonists, to prevail with them to submit to an administration which he had reluctantly assumed, in compliance with the urgent and unanimous desire of the Pennsylvanians ; they rejected all his overtures, and, countenanced by Colonel Markham, declared that they were determined to have an executive government for themselves distinct from the institutions of Pennsylvania. Stung with vexation and disappointment at this result, Penn was at first inclined to impute the blame of it to Lloyd ; but soon ascertaining how perfectly disinterested and well-meaning the conduct of this worthy man had been, he transferred his censure to the Delaware counsellors, and bitterly reproached them with selfish ambition and ingratitude. Hoping, however, by gratifying them in their present desire, to prevent the rupture from extending any farther, he granted separate commissions for the executive government of Pennsylvania and Delaware to Lloyd and Markham ; the functions of legislation still remaining united in a council and assembly common to the two settlements. [April, 1691.] By the friendly co-operation of Lloyd and Markham, this anomalous machinery of government was conducted with much greater harmony and success than the peculiarities of its structure, and the causes from which they arose, seemed at first to portend.<sup>1</sup>

<sup>1</sup> Proud. Clarkson. Penn expressed no disapprobation whatever of the conduct of Markham, of whom Proud, indeed, reports, that "he had the proprietary's confidence and esteem till his death" ; — whence, perhaps, it may



The following year [1692] was signalized in a manner still more discreditable to the province and offensive to the proprietary, by a violent dissension among the Quakers of Pennsylvania. This affair has been represented, by the party that proved weakest in the struggle, as a purely ecclesiastical quarrel, wherein their adversaries, worsted in spiritual, had recourse to carnal weapons; and by the stronger, as a political effervescence, which the power of the magistrate was properly employed to compose. The disturbance originated with George Keith, a native of Aberdeen, in Scotland, a man remarkably distinguished by the vigor and subtlety of his apprehension, by an insatiable appetite for controversy, a copious eloquence, a vehement temper, extreme sincerity, and entire deficiency of candor. To his religious associates he was recommended by his numerous writings in defence of their tenets, and more particularly endeared as the champion of their quarrel with the churches, ministers, and magistrates of New England, — a country, which, by a numerous body of the Quakers, was long regarded with a feeling to which it is difficult to give any other name than that of vindictive dislike. He had travelled in that country as a Quaker preacher; and, having sharpened by personal controversy with the people a previous resentment of their well remembered persecution of his spiritual kinsmen, he accumulated against them a hoard of animosity, which all the prolixity of his publications was incapable of exhausting. With an animated strain of invective and vituperation, which was reckoned very *savory* by the Quakers as long as it was directed against their adversaries,<sup>1</sup> he condemned the government of New England for the severities inflicted by it heretofore upon enthusiasts, with whose extravagance, as well as whose sufferings, it appeared that he himself was too much inclined to sympathize. Even those Quakers, who were imbued with the

be inferred, that the real purpose of Markham, in placing himself at the head of the factious counsellors of Delaware, was to retain over them an influence propitious to the authority of the proprietary.

<sup>1</sup> On a retrospect of his character, however, after they themselves became his adversaries, the Quakers discovered, that, even before his schism with them, and even in his treatment of the people of New England, he had “had too much life in argument,” had “exhibited an unbecoming vanity on victory thereby obtained by him over his opponents,” and altogether conducted himself “in a very extravagant manner.” Proud.

moderate spirit which of late had been gaining on their society, and allaying the frenzy that produced such deplorable results in New England,<sup>1</sup> were flattered by publications which artfully turned the shame of Quakerism into its glory, and added the honors of martyrdom to the other evidences of its claim to the character of a revival of primitive Christianity.

The favor and esteem of his fellow-sectariès had recommended Keith first to the appointment of surveyor-general of East Jersey, and more recently to the presidency over the Quaker seminary of education established at Philadelphia. From real conviction, from an inveterate habit of controversy, or from ambitious desire to gain a still higher eminence among the Quakers than he had already attained, he began at length to utter censures of various abuses and corruptions which appeared to him to have depraved the system of Quakerism in Pennsylvania. He complained that there was a great deal too much slackness in the execution of Quaker discipline, and that very loose and erroneous doctrine was taught by many of the Quaker preachers. He insisted, that, as the infliction and even the violent resistance of evil was incompatible with Christian meekness and brotherly love, no Quaker ought to be concerned in "the compelling part of government," and much less to retain negroes in a state of slavery. His censures had in some respects a substantial reality, and in others at least a reasonable show, of just application, that rendered them only the more irritating to the minds of those whom he disturbed without being able to convert. Supported by a respectable company of adherents, and particularly in some of his views by the German emigrants, who from the first had protested against negro slavery as a monstrous practical departure from pure Christianity, Keith encountered the opposition which his new doctrines received from the majority of the Quakers, with as much unbridled vehemence as he had displayed in his previous contests with their common enemies. Impetuous, uncharitable, and immoderate, his address savored more of attack than of instruction; he seemed never to distinguish between dissent and hostility, nor between men and their failings.

<sup>1</sup> *Ante*, Book II., Chap. III.

A regular trial of strength ensued between the two parties in the Quaker society [April, 1692]; and the adversaries of Keith, finding themselves supported by a numerical majority, published a *declaration or testimony of denial* against him. In this curious production they expressed their deep regret of “the tedious exercise and vexatious perplexity” which their late friend, George Keith, had brought upon them. “With mourning and lamentation do we say, — How is this mighty man fallen ! — How is his shield cast away ! — How shall it be told in Gath ! — Will not the daughters of the uncircumcised triumph ?” They proceeded to accuse him of uttering against them “such unsavory words and abusive language, as a person of common civility would loathe”; and in particular of having audaciously declared to them on various occasions, “and upon small provocations, if any,” that they were *fools, ignorant heathens, silly souls, rotten ranters, and Muggletonians*, “with other names of that infamous strain; thereby, to our grief, foaming out his own shame.” They charged him with slandering Quakerism, by affirming that it was too often a cloak of heresy and hypocrisy, and that more diabolical doctrine passed current among the Quakers than among any other description of Protestant professors. As the climax of his contumacy, they alleged, that, when they had *tenderly dealt* with him for his irreverent language and disorderly behaviour, he insultingly answered, *that he trampled their judgment under his feet as dirt*;<sup>1</sup> and that he had since established a separate congregation, whose proceedings rendered the religious repute of the Quakers “a scorn to the profane and the song of the drunkard.”

Keith, who had now collected around him a numerous course of partisans, whom he styled *Christian Quakers*, while

<sup>1</sup> These very words, long before addressed by William Penn to an English magistrate, who was in the act of committing him to Newgate for refusing to take an oath, had been hitherto current and respected among the Quakers, as importing no more than a magnanimous contempt or decent disdain. However deficient in meekness and courtesy, they were certainly much less so than a great deal of the contemporary language that was exchanged between many of the Quaker writers and their adversaries. One Bugg, who had been a Quaker, having about this time quarrelled with and deserted the sectarian society, maintained with it a literary warfare that tended more effectually to provoke the mirth than to promote the edification of mankind. I have seen an address to Bugg, from his original associates, in which they greeted him with numerous abusive allusions to the unsavoriness of his name.



he bestowed on all the rest of the Quaker society the opprobrious title of *apostates*, promptly replied to this declaration by an address which contained a defence of himself and his principles, and an illustration of the various acts of apostasy where-with he reproached his adversaries. This publication presented so ludicrous a contrast between the sectarian professions and the magisterial conduct of the rulers of Pennsylvania, that these Quaker politicians were transported by the perusal of it beyond the restraint of their favorite virtue, and fully convinced that what had been hitherto regarded as a mere ecclesiastical dispute ought forthwith to be resented as a political quarrel. They declared, that, though a tender meekness should undoubtedly characterize their notice of offences committed against them in their capacity of Quakers, yet a magisterial sternness was no less incumbent upon them, in the visitation of offences that tended to "lessen the lawful authority of the magistracy in the view of *the baser sort of the people*." Keith, the author of the address, and Bradford, the printer of it, were both (after an examination which the other magistrates refused to share with their Quaker brethren) committed to prison; Bradford's printing-press was seized; and both Keith and he were denounced, by proclamation, as seditious persons, and enemies of the royal authority in Pennsylvania. Bradford, who relied on the protection of English constitutional law, compelled his prosecutors to bring him to trial for the offences they laid to his charge; but though he was acquitted by the verdict of a jury, he incurred great pecuniary loss, and found himself so much oppressed by the dislike of a powerful party, that he was compelled to remove his printing establishment from Pennsylvania.

Keith was arraigned shortly after, along with Francis Budd, another Quaker, for having, in a little work which was their joint production, defamed a Quaker magistrate, by describing him as *too high and imperious in worldly courts*. They were found guilty, and sentenced to pay a fine of five pounds.<sup>1</sup> Retiring soon after to England, Keith published an account of the whole proceedings against him, in a pamphlet which he entitled

<sup>1</sup> Penn, writing to a friend in America, declares that the report of this trial had excited much disgust in England, and induced many persons to exclaim against the fitness of Quakers to administer municipal authority. Proud.

*“New England Spirit of Persecution transmitted to Pennsylvania, and the pretended Quaker found persecuting the true Quaker.”* So extensive was his influence, both in England and America, that for some time it was doubted whether he and his friends, or the party opposed to them, would succeed in eclipsing the others, and securing to themselves the exclusive possession of the Quaker name. But the career of Keith, as a Quaker, was suddenly abridged, and his influence in the society completely overthrown, by a consequence which neither he nor his opponents had anticipated at the commencement of their disputes. In the course of his labors in that wide field of controversy which the attacks of his various adversaries in Pennsylvania and New England spread before him, Keith succeeded (to his own satisfaction at least) in refuting all the peculiar tenets that had ever been common to himself and the Quakers; and, scorning to conceal the desertion of his original opinions, he hesitated not to declare himself a convert from the Quaker society to the church of England. This secession was a death-blow to the influence of that party which had hitherto espoused his sentiments; and which, henceforward, either gradually coalescing with a more powerful majority, or peaceably submitting to a sentence of expulsion, contributed alike to the ascendancy of principles which originally it proposed to subvert. When Keith finally declared himself the antagonist of Quakerism, he encountered the controversial hostility of William Penn; but till then the treatment which he experienced in Pennsylvania was a source of the utmost regret and disapprobation to the proprietary.<sup>1</sup>

The government that arose from the revolution in England, having now completed the arrangements that were necessary for its secure establishment at home, had leisure to extend its cares

<sup>1</sup> G. Thomas's *History of Pennsylvania*. Proud. Clarkson's *History of the Abolition of the Slave-trade*. Thomas's *History of Printing in America*. Proud's account of these proceedings bears evident marks of partiality. It is amusing to observe his grudge against Keith and Bradford, for having described a writing which they published, as the employment of their hours of bondage *in the prison* to which professed Quakers had committed them.

George Keith, after his recantation of Quakerism and espousal of the doctrines of the church of England, was sent back again as a missionary to America, by the English Society for the Propagation of the Gospel; and, in his labors to convert the Indians, is said to have been much more successful than any of the votaries of his former tenets. Oldmixon.

to the colonial communities at the extremity of the empire. [1693.] In the annals of the other American settlements we have seen instances of the avidity with which King William and his ministers endeavoured to appropriate to the crown the nomination of the provincial governors. The situation of the proprietary of Pennsylvania, together with various circumstances in the recent history of this province, presented a favorable opportunity of repeating the same policy ; and, indeed, furnished a much more decent pretext for it than had been deemed sufficient to warrant an invasion of the rights of the proprietary of Maryland. Penn was generally suspected by the English people of adherence to the interests of his ancient patron, James the Second ; and, in consequence of a charge that was preferred against him of accession to a treasonable conspiracy in favor of the exiled tyrant, he had absconded from judicial inquiry, and was living in concealment.<sup>1</sup> In Pennsylvania, the laws had been administered in the name of the banished king, long after the government of William and Mary was recognized in the other colonies ; and the dissensions which Keith's schism had excited were magnified into the semblance of disorders inconsistent with the honor of the British crown. Fortified with such pretexts for the royal interposition, King William issued a warrant, depriving Penn of all authority in America, and investing the government of his territories in Colonel Fletcher, who was likewise appointed governor of New York. Penn, regarding this proceeding as a tyrannical usurpation of his rights, adopted the strange defensive precaution of writing to Fletcher, beseeching him, on the score of private friendship, to refuse compliance with the king's commands ; but no regard was paid to this foolish solicitation, and the government was quietly surrendered to Fletcher, who appointed, first Lloyd, and afterwards Markham, to act as his deputy. [April, 1693.]

In the commission to Fletcher no notice was taken of the charter of Pennsylvania ; and the main object of his policy was

<sup>1</sup> The author of the charge from which Penn withdrew himself was the notorious Fuller, who was afterwards condemned to the pillory, for the detected (or at least pretended) falsehood of the charges which he had preferred against other distinguished persons. The suspicions entertained of Penn were strengthened by the conduct of his wife, who appears to have paid frequent visits to St. Germain's, and to have conveyed presents of money from the English Jacobites to the exiled queen. Belknap's *American Biography*.



to obtain a recognition of the unqualified dependence of the province on the crown. This involved him in a series of disputes with the assembly, who unanimously voted a resolution, "that the laws of this province, which were in force and practice before the arrival of this present governor, are still in force"; but afterwards judged it expedient to acquiesce in the arrogation, that the liberty of conscience, which they owed to the wisdom and virtue of William Penn and themselves, was a boon derived from the grace and favor of the king. Farther than this the governor found it impossible to bend them to his wishes. One measure to which he strenuously labored to obtain their assent was a contribution of money in aid of the defence of the frontiers of New York against the arms of the French. Finding it necessary to reinforce by argument the authority of a royal letter which he produced, and in which the contribution was suggested [March, 1694], he reminded them that the military operations at this frontier contributed to the defence of the other colonies as well as New York, and that it was unjust to burden that province with the sole charge of measures which were indispensable to the general safety. He was aware, he said, that the Quaker principles which prevailed among the Pennsylvanians forbade not only the use of offensive arms, but the employment of money even for the support of defensive war; but he hoped they would not refuse to feed the hungry and clothe the naked, which were undeniably Christian virtues, and which the hunger and nakedness of the Indian allies of New York now presented them with a favorable opportunity of exerting. This ingenious casuistry, which the Quakers might justly have regarded rather as an affront to their understandings than a concession to their principles, proved, on the present occasion, quite unavailing,—to the no small displeasure of William Penn, who, on being reinstated in his government, reproached the assembly with their refusal to contribute towards the common defence, and desired that a sum of money for this purpose should forthwith be levied and remitted to New York.<sup>1</sup>

In addition to the other disappointments and misfortunes that befell the proprietary of Pennsylvania, he had now to lament a

<sup>1</sup> Proud. Dillwyn, *apud* Winterbotham.

sensible decay of the credit which he had hitherto enjoyed with the members of his religious society in England. They reproached him with having *meddled more with politics, and the concerns of the English government, than became a member of their Christian body*; and would not admit the benevolent motives of his conduct, or the especial benefit which their own society had reaped from it, as a sufficient apology for the scandal it created and the evil example it afforded.<sup>1</sup> In the midst of so many adverse circumstances, — involving the estrangement of ancient friends, and the miscarriage of almost every scheme of temporal satisfaction which he had proposed to himself, — his retirement was penetrated by the grateful kindness of that illustrious man, whom once, in circumstances resembling his own present situation, he had endeavoured to befriend. John Locke, who was now in the enjoyment of considerable favor at the English court, persuaded of Penn's innocence, and mindful of the friendly intercession which Penn had made in his behalf with King James, when Locke was an exile in Holland,<sup>2</sup> offered to employ his interest to procure him a pardon from King William. But the dignity of Penn's virtue was rather elevated than depressed by adversity; and emulating the magnanimity with which his own similar kindness had been formerly rejected by Locke, he protested, that, as he had done nothing blameworthy, he would not consent to stain his reputation by accepting a *pardon*.<sup>3</sup> The retirement thus virtuously preserved contributed no less to the refinement of his character than to the extension of his fame, and was signalized by the publication of a series of literary performances replete with learning, genius, and mild benevolence. In a short time the clouds that had

<sup>1</sup> *Lower*, a Quaker, the friend of Penn, and in good repute with the rest of the society, undertook to mediate a reconciliation between them, and for this purpose composed the following apology, which was to be subscribed and distributed by Penn: — "If in any things, during these late revolutions, I have concerned myself, either by words or writings (in love, pity, or good-will to any in distress), *further than consisted with truth's honor or the church's peace*, I am sorry for it; and the government having passed it by, I desire it may be by you also." Clarkson. Whether this apology was presented or not is unknown; but a reconciliation took place shortly after between Penn and the Quakers.

<sup>2</sup> *Ante*, Book IV., Chap. I.

<sup>3</sup> This was not the only point of similarity in the histories of these distinguished persons. Both had been the dupes of very bad men (Shaftesbury and James the Second), and both suffered unjustly for their connection with them. Both were expelled from the University of Oxford.

gathered around his fortunes began to disperse ; the Quakers became completely reconciled, and as much attached as ever to him ; and the good offices of Lord Somers, Locke, and other friends, coöperating with the justice of his cause, and the detection of (real or supposed) impostures committed by one of his accusers, succeeded in undeceiving the English court, and obviated every pretence for continuing to exclude him from the enjoyment of the privileges to which he was entitled by the charter of Pennsylvania. A royal warrant was issued accordingly, for reinstating him in his proprietary functions [August, 1694] ; in the exercise of which, he forthwith invested his kinsman Markham with the office of deputy-governor of his whole territories, — thus again reuniting the executive administration of Pennsylvania and Delaware.<sup>1</sup>

Pennsylvania had continued to increase its population with such rapidity, that now the number of inhabitants (exclusive of negro slaves) was estimated at twenty thousand. [1695.] A considerable change was observed, soon after the British Revolution, in the character of the emigrants resorting to this province, — who, though generally respectable persons, yet showed very plainly, in many particulars of their conduct, and especially in their reluctance to embrace the measures that were proposed for mitigating the evils of negro slavery, that views of temporal enrichment had operated more powerfully than religious zeal to conduct them to America. The formality of apparel and simplicity of manners enjoined by the constitutions of the Quakers tended to purify their sectarian society, by confining its attractions to sober-minded men ; and peculiarly recommended the virtue of industry, by increasing its efficacy in conducting to a plentiful estate. But the temporal advantages thus closely associated with Quaker manners had latterly contributed to produce a practical relaxation of the strictness of Quaker principles, and to adulterate the motives by which the profession of these principles was inculcated. The attractions of Pennsylvania as a sanctuary of liberty of conscience were comparatively diminished to the English Dissenters by the Revolution ; but its allurements in other respects continued un-

<sup>1</sup> Proud. Clarkson.



abated, and, by the widely diffused influence and correspondence of Penn, were promulgated in all parts of the British empire. Already many emigrants, who in England found it difficult to gain a scanty livelihood, had in Pennsylvania amassed estates of considerable value. The accounts that were published in England of the liberal wages of labor in the province attracted thither a great many persons in the humblest walks of life, who had the expenses of their transportation defrayed by wealthier individuals, to whom they engaged themselves as servants for a series of years. But the improvement in the condition of these people was so rapid, and they were so eager to enjoy the dignity of independence, that a scarcity of servants, and the exorbitancy of the wages that were necessary to retain free men in this condition, were continual subjects of complaint.<sup>1</sup> These circumstances, coöperating with the example of the neighbouring colonies, had originally introduced negro slavery into the province, and now continued to prolong the subsistence of this execrable institution, which, degrading servitude, and rendering it a condition still more uninviting to free men, promoted the causes whence itself had arisen. It required more virtue than even the Quakers were yet prepared to exert, in order to defend them from the contagion of this evil, and induce them to divide the produce of their lands with their servants in such proportions as might have enabled them to employ only free labor in their cultivation.

During the interval that elapsed between the restoration of Penn to his proprietary authority [1696] and his second visit to his people, some change was introduced into the form of the provincial constitution. Markham had repeatedly pressed the assembly to authorize the levy of a sum of money, to be remitted to the governor of New York, for the support of the war,—or, as it was decently pretended, for the relief of the distressed Indians; and Penn, in his letters from England, reinforced this application, by protesting that the preservation of the proprietary government would again be endangered by a refusal to comply with it. This appeared to the assembly a favorable opportunity of obtaining a change which they had

<sup>1</sup> G. Thomas. Oldmixon.

long desired, in the distribution of the legislative functions between themselves and the governor and council ; and hinting plainly, that, without such equivalent, they were determined not to waive their scruples to a contribution for martial purposes, they compelled Markham to assent to a new act of settlement, which formed the third *frame* or system of the Pennsylvanian constitution. [November, 1696.] By this new compact, it was provided that from each county there should be chosen only two persons to represent the people in council, and four as their representatives in assembly ; the council being thus reduced in number from eighteen to twelve, and the assembly from thirty-six to twenty-four. It was farther stipulated that the assembly should be empowered to regulate its own adjournments ; and that it should be no longer confined to a simple assent or negation to legislative propositions originating with the governor and council, but should partake with them the privilege of introducing and discussing laws. On receiving this boon, the assembly passed an order for raising the sum of three hundred pounds, to be remitted to the governor of New York, *for the relief of the distressed Indians* on the frontiers of his province.<sup>1</sup> Governor Fletcher wrote to Markham in the following year, affirming that the money had been faithfully applied to the feeding and clothing of the Indians, and requesting a fresh supply for the same benevolent purpose. The assembly, in reply to this proposition, desired that their thanks might be conveyed to Fletcher for “his regard and candor to them” in applying their former subsidy to the use they had contemplated ; adding, that, although for the present they must decline imposing additional burdens on the province, they would always be ready to observe the king’s farther commands, “according to their religious persuasions and abilities.” Thus early did the Quakers experience the difficulty of reconciling their religious principles with the administration of political power. It was but a few years after, that, in answer to a requisition from Penn, in the king’s name, for a subsidy avowedly destined to the erection of forts and

<sup>1</sup> It was almost at the very same time, that Archdale, the Quaker governor of Carolina, introduced into this province a law for the formation of a militia. *Ante*, Book IV., Chap. II.

batteries at New York, the Pennsylvanian assembly pleaded its poverty, and remonstrated against the partiality which imposed upon this people so many exactions from which other and older colonies were exempted, as the only reasons for deferring to comply with the king's commands, "so far as their abilities and religious persuasions shall permit."<sup>1</sup> This reservation, which was always inserted on such occasions, for the honor of Quaker consistency, never prevented the Quakers of Pennsylvania from contributing, as the subjects of a martial monarchy, their full contingent to the sinews of war. In voting grants of money which were expressly demanded as military subsidies, and which they well knew would be employed to impel the rage of war, and nourish the ferocity of savages whom they professed their anxious desire to pacify and civilize, it was always attempted, by the substitution of some other alleged purpose, to shift the sin and scandal of the transaction from themselves to their military superiors, or at least to draw a decent veil over concessions which they could neither withhold nor avow.<sup>2</sup> The veil was not without its use, if it contributed to maintain among the Pennsylvanian Quakers that respect for their pacific tenets of which they made a more practical and honorable display in the succeeding century, when the attempts of the English government to extort from them a still more active and unequivocal coöperation with military measures induced them to sacrifice to their principles the possession of political power.

Accession to war, though the most important, was not the only instance in which the Pennsylvanian Quakers were compelled by the singularity of their situation to content themselves with a theoretical profession instead of a practical exemplification of their principles. By the constitutions of Quakerism, they were restricted to the employment of a plainness of speech remote from the ordinary style of colloquial intercourse

<sup>1</sup> Proud.

<sup>2</sup> Dr. Franklin mentions an instance, some years after, of a requisition addressed to the assembly of Pennsylvania, of the sum of two thousand pounds for the purchase of gunpowder; to which the assembly replied, that, consistently with Quaker principles, they could not grant a farthing for such a purpose, but had voted two thousand pounds *for the purchase of grain*. Various instances of accession to war, still more unambiguous, on the part of the American Quakers, are related in Kalm's *Travels in North America*.



in the world, and totally inconsistent with the strain of elaborate homage, which, in regal governments, pervades the addresses of inferior magistrates and corporations to the throne. This sectarian principle was always admitted to regulate their intercourse with the provincial governors, who were invariably addressed in the *plain language* of Quakerism by the Pennsylvanian assemblies. But the same assemblies, in their addresses to the crown, and even in those of which the object was to solicit advantages and immunities to the Quakers, employed the usual style of official obeisance ;—the Quaker majority of the assembly taking care to adject to each address a declaration that they approved its substance, “but excepted against some part of its style.”<sup>1</sup>

The affairs of the colony continued to glide on for some time in a course of tranquillity, interrupted at length by an event which had been now too long deferred to be capable of producing the beneficial consequences which at one time were fondly expected to ensue from it,—the return of the proprietary to his American dominions. [1698, 1699.] On this second occasion, accompanied by his family, and professing his intention to spend the remainder of his life in Pennsylvania, his arrival was hailed with general, if not universal satisfaction, —of which the only visible abatement was created by the first visitation of that dreadful epidemic, the *yellow fever* (since so fatally prevalent), at Philadelphia.<sup>2</sup> Some young men, having ventured, in opposition to the commands of the magistrates, to salute the proprietary on his arrival with a discharge of artillery, performed this operation so awkwardly, as to occasion severe injury to themselves ; which was regarded by the Quakers as a providential rebuke of a tribute so unsuitable to

<sup>1</sup> Proud. Similar instances of Quaker assent to the substance and dissent from the style of addresses occur in the transactions of the assembly of New Jersey. S. Smith.

<sup>2</sup> Thomas Story, an eminent preacher among the Quakers, and afterwards recorder of Philadelphia, thus describes the impression produced by the prevalence of this epidemic :—“Great was the majesty and hand of the Lord ; great was the fear that fell upon all flesh : I saw no lofty or airy countenance, nor heard any vain jesting to move men to laughter ; nor extravagant feasting to excite above measure the lusts of the flesh ; but every face gathered paleness, and many hearts were humbled, and countenances fallen and sunk, as such that waited every moment to be summoned to the bar.” Proud. How different this from Thucydides’ description of the increased gayety and profligacy produced by the plague at Athens !

a member of their fraternity. The very first transactions that took place between Penn and his provincial assembly were but ill calculated to promote their mutual satisfaction. In the history of some of the other settlements (and particularly of Carolina and New York), we have remarked that the American seas were at this time infested by pirates, whose prodigal expenditure of money in every place where they found shelter and entertainment, and whose readiness to assist in evading the obnoxious Acts of Navigation, recommended them too successfully to the countenance of many of the North American colonists. Pennsylvania did not escape this reproach, which Penn had already communicated in letters to the assembly, — who readily enacted laws against the practices imputed to their fellow-citizens, but at the same time issued proclamations declaring in the strongest terms that the imputations were unfounded. This disagreeable subject was resumed immediately after the arrival of Penn; and though the assembly still complained of the injustice of the reproach, it was found necessary to expel from it one of its own members, the son-in-law of Colonel Markham, who was suspected of participating, or at least countenancing, piracy. Still more productive of discord were the frequent demands of pecuniary contributions for the support of a military establishment at New York, which Penn was compelled by the British government to address to his assembly; and which were answered only by complaints of the hardship of these exactions, and protestations of the inability of the province to comply with them.<sup>1</sup> But the most remarkable disagreement that occurred between Penn and the assembly arose from the measures which he now suggested for improving the treatment of negro slaves, and correcting abuses that prevailed in the intercourse between the colonists and the Indians.

It was impossible that the flagrant evils of slavery, and the especial repugnance of such an inhuman institution to Christian morality, which Baxter, Tryon, and other writers had already pressed upon the attention of the Protestant inhabitants of Christendom, could escape the moral sense of those benevo-

<sup>1</sup> Proud. Clarkson.

lent sectaries who professed to study and exhibit a peculiar and almost literal conformity to the precepts of charity, humility, and self-denial, interwoven with the doctrines of the gospel. When George Fox, the founder of Quakerism, visited Barbadoes, in 1671, he found the members of his sectarian society within the island, as well as the other white inhabitants, in possession of slaves. "Respecting their negroes," he relates among his other admonitions to the Quaker planters, "I desired them to endeavour to train them up in the fear of God; as well those that were bought with their money, as those that were born in their families. I desired also that they would cause their overseers to deal mildly and gently with their negroes, and not use cruelty towards them, as the manner of some hath been and is; and that, after *certain* years of servitude, they should make them free."<sup>1</sup> How conscientiously the Quakers complied with this admonition is attested by a law promulgated by the legislature of Barbadoes five years after, commanding those sectaries to desist from giving instruction to negroes, and, in particular, from admitting them to their religious assemblages;<sup>2</sup> and how magnanimously they persisted to do their duty, in the face of this unchristian command, may be inferred from an ordinance very soon after enacted by the same legislature, imposing a penalty on any shipmaster who should bring a Quaker to the island.<sup>3</sup> The prosecution of such measures, and the adoption of a similar policy in others of the West India plantations, succeeded in banishing from these colonial settlements an example which might have been attended with the most beneficial consequences to the interests of the white

<sup>1</sup> Fox's *Journal*. An earlier and more uncompromising resistance to slavery was made by some of the clergy of the church of Rome, at St. Luis, in the year 1653. Southey's *History of Brazil*.

<sup>2</sup> Oldmixon. The preamble of this law sets forth, that "Whereas many negroes have been suffered to remain at the meeting of Quakers as hearers of their doctrine, and taught in their principles, whereby the safety of this island may be much hazarded," &c. We find the legislature of Barbadoes, one hundred and fifty years after, enacting similar laws against the Methodist teachers and preachers, and declaring that their doctrines were fitted to turn the world upside down.

<sup>3</sup> Clarkson's *Abolition of the Slave-trade*. About sixty years later, Thomas Chalkeley, a renowned Quaker minister, in one of his visits to Barbadoes, having exhorted a meeting of the free inhabitants to treat their negro slaves with greater mildness (without presuming to breathe a syllable of objection against the institution of slavery), was fired at and wounded in open day by one of the planters of the island. Chalkeley's *Journal*.



inhabitants and the happiness of the negroes ; and compelled many Quaker planters to emigrate from the West Indies to America, whither they brought with them their modified opinions on the subject of slavery. Some of these Quakers perhaps entertained the purpose of an entire compliance with the admonition of Fox, by setting their negroes at liberty after *certain* years of servitude ; but this purpose was easily overpowered by the sophistry and temptation of self-interest, the contagion of general example, and the influence of evil habit in blunting the feelings of humanity.

By his acquisition of the Delaware territory, it is probable that Penn, on coming into possession of his American domains, found the system of negro slavery already established within them. During his first visit, it appears that a few negroes were imported into Pennsylvania, and were purchased by the Quakers, as well as the other settlers. While the scarcity of servants enhanced the temptation to this practice, the kindness of Quaker manners contributed to soften its evil and veil its iniquity ; and it was not till the year 1688, that the repugnance of slavery itself, however disguised, to the tenets of Christianity was first suggested to the Pennsylvanians by the emigrants who repaired to them from Germany. If it was natural for the Quakers to relish the connection which they habitually experienced between certain of their sectarian usages and temporal enrichment, it was not easy for them to avoid proportionally contracting at least a practical estrangement from whatever in their principles savored only of unproductive self-denial and depauperating virtue. But whatever taint their practice, as American planters, might have derived from human infirmity, they were still anxious, as an ecclesiastical society, to maintain the theoretical purity of their principles ; and accordingly, in compliance with the suggestion of the Germans, a resolution declaratory of the unlawfulness of slavery was adopted and published in the same year by the annual meeting of the Quakers of Pennsylvania. The effect of this deliberate homage to eternal truth and the immutable principles of justice and humanity was not carried beyond a practical exemption of the slaves of Quakers from evils not inevitably inherent in the condition of bondage. George Keith, as we have seen, made

an attempt, in 1692, to bring the practice of his fellow-secretaries into closer accomodation to their theory ; but the arrogance of his demeanour and the intemperance of his language were ill calculated to recommend ungracious truth, or to promote the spirit of heroic sacrifice ; and the increasing number of the slaves, together with the diversities of character among the colonists (to which we have already adverted), rendered the emancipation of the negroes increasingly improbable. In the year 1696, the annual meeting of the Pennsylvanian Quakers repeated their former declaration, adding to it an earnest admonition to the members of their society to refrain from all farther importations of negro slaves ; but no other immediate effect resulted from this measure than an increased concern for the welfare of the negroes, who in some instances were admitted to attend divine worship in the same meeting-houses with their Quaker masters.

On his second arrival in America [June, 1700], Penn very soon perceived, that, from the varieties of character among his provincial vassals, and the inevitable tendency of absolute power to corruption and abuse, the negro slavery of Pennsylvania exhibited, in too many instances, the same odious features that characterized this barbarous institution in other places.<sup>1</sup> He was additionally mortified with the discovery of numerous frauds and abuses committed by the colonists in their traffic with the Indians. With the view of providing a remedy for both these evils, he presented to the assembly three bills which he had himself prepared : the first, for regulating the morals and marriages of the negroes ; the second, for regulating the trials and punishments of the negroes ; and the third, for preventing abuses and frauds in the intercourse between the colonists and the Indians. The assembly instantly negatived the first and last of these bills ; acceding only to that which related to the trial and punishment of their slaves. No account is transmitted of any discussion or debate on the bills which were rejected ; and, indeed, it is probable that the assembly, in this instance, were glad to confine themselves to

<sup>1</sup> " Though Pennsylvania boasts her peaceful plain,  
Yet there in blood her petty tyrants reign."

Gregory.

the ancient formula of simply approving or rejecting the legislative overtures presented to them. But it is asserted (conjecturally, I suppose) by one of the biographers of Penn, that the feelings of the proprietary received a *convulsive shock* on the occasion. In proposing the bills, he had indeed been unanimously supported by his council, which consisted entirely of Quakers ; but he had seen them decisively rejected by an assembly, of which a great majority consisted of persons of the same religious persuasion. Though disappointed of the more extensive influence which as a political legislator he had hoped to exercise, he was yet able, in his ecclesiastical ministry among the Quakers, to introduce into their discipline regulations and practices relative to the purposes of the rejected bills, the spirit of which, at least, was, by the example of this powerful sect, forcibly recommended to general imitation. Monthly meetings were appointed among the Quakers, for the religious and moral education of their negro slaves [1703] ; and regular conferences were established with the Indians, for the purpose of communicating to them whatever instruction they would consent to accept. Penn finally obtained leave, or at least assumed the power, to make a treaty with the Indians, by which they acknowledged themselves subjects of the British crown and amenable to the provincial laws ; and by which certain regulations were framed for preventing the frauds to which they were exposed in their commercial dealings with the white population.

Thus was preserved in the Quaker society a principle, which, about seventy years after, obtained the signal triumph of procuring emancipation to all the negroes in America belonging to Quakers ; and thus, meanwhile, was cherished in the general body of the inhabitants of Pennsylvania such a sense of the unalienable rights and indissoluble obligations of humanity, as obtained for enslaved negroes in this province a treatment far kinder and more equitable than they enjoyed in any other part of North America, except the States of New England. Notwithstanding the encouragement afforded by the British government to the importation of negroes into all the American settlements, the slaves in Pennsylvania never formed more than a very insignificant fraction of the whole population



of the province. Slavery subsisted longer in Delaware ; and the slaves in this settlement, though not numerous, were rather more so than in the larger province of Pennsylvania.<sup>1</sup>

In addition to the other disagreeable impressions of which his second visit to America was productive, Penn had now the mortification of witnessing a revival of the jealousies between Delaware and Pennsylvania, and of experiencing the inefficacy of all his efforts to promote a cordial union between the inhabitants of these countries. As a remedy for their mutual dissatisfaction, he proposed a change in the frame of government ; but the adjustment of this compact tended rather to inflame than to allay the existing animosities. He endeavoured to defer the extremity to which their disputes manifestly tended, by various acts of conciliation towards the weaker and more irritable party, and particularly by convoking at Newcastle, the metropolis of Delaware, another assembly, which was held in the close of the present year. [1700]. But although he succeeded, after much adroit exertion, in obtaining from this assembly a subsidy for the support of his government, and made some progress in arranging with them the terms of a new charter or frame of government, — the mutual jealousies between the two settlements were displayed with such unreserve, that, in almost every debate, the Delaware representa-

<sup>1</sup> Proud. Clarkson's *Abolition of the Slave-trade*. Clarkson's *Life of Penn.* Winterbotham. Warden. In the course of his ministerial labors at this time, Penn visited his Quaker brethren in Maryland, and was received in a friendly manner by his ancient adversary, Lord Baltimore, who with his lady accompanied him to a Quaker meeting. Penn regretted, for the sake of his noble companions, that the fervor of the meeting had subsided before their entrance ; and Lady Baltimore declared herself disappointed of the *diversion* she had expected. He had also various interviews with the Indians, who listened to him willingly as long as he confined himself to general allusions to religion. But when he desired, on one occasion, to direct their minds to the search of an internal manifestation of the Redeemer of the human race, his interpreter declared that no words in the Indian tongue were capable of conveying such a notion. No words, indeed, of any human language are of themselves capable of adequately expressing the doctrines of the Holy Scriptures. The understanding of an adult heathen recoils from the doctrine of *creation*, in which he perceives the difficulties that elude the consideration of many members of Christianized communities on whom the doctrine has been inculcated from their infancy.

To Penn himself the Indians very readily paid a degree of respect which they refused to extend to his religious tenets. Many of them believed him a being of higher order than the rest of mankind ; "nor could they for a long time credit the news of his death, not believing him subject to the accidents of nature." Farmer's *View of the Policy of Great Britain, &c.*

tives suggested and supported precisely the reverse of what ever was proposed or approved by the Pennsylvanians. The subsidy amounted to £ 2,000, of which £ 1,573 was the proportion imposed upon Pennsylvania, and the remainder upon Delaware. It was unwise, perhaps, of Penn to invite his people to the acceptance of a new social compact, at a time when they were so much heated by mutual irritation, and when the union between the two settlements was evidently so precarious. It afforded a pretext not long after for taxing him with converting the public distractions to his own advantage; and practising devices for the enlargement of his power, while the minds of his people were too much occupied with their mutual dissensions to perceive the drift of his proceedings.

But Penn had now determined again to leave America [1701], and return to England; and while he naturally desired to have the frame of the provincial government finally established before his departure, his recent experience had doubtless impressed on him the conviction, that an extension of his own magisterial prerogative would render the constitution more instrumental to the welfare of the people, and afford a freer scope to the promotion of views and the exertion of influence impartially directed to the general advantage.

In the last assembly which he convoked before his departure [September, 1701], he had occasion to exert all his authority and address, in order to prevent the representatives of Delaware and Pennsylvania from coming to an open rupture, and also to guard his own interests in the sale and lease of vacant lands from an attempt of the legislative body to assume a control over them. Various laws were passed; of which the most remarkable were those for the establishment of a post-office, for the punishment of the vices of *scolding* and drunkenness, for restraining the practice of drinking healths, and for the destruction of wolves. [October, 1701.] But the most important transaction on this occasion was the establishment of the new charter or frame of government, which Penn finally tendered to the assembly, and prevailed with a great majority of the members to accept, and even thankfully acknowledge. By this instrument, it was provided (in conformity with the municipal compact of 1696) that a legislative assembly should

be annually elected by the freemen, and should consist of four persons from each county, or of a greater number, if the governor and assembly should so determine ; that the assembly should nominate its own officers, and decide with exclusive jurisdiction all questions relating to the qualifications and elections of its members ; that it should prepare legislative bills, impeach criminals, and redress grievances ; and possess all the other powers and privileges of a representative assembly, accordant with the rights of the freeborn subjects of England, and the customs observed in the British plantations in America. The governor was empowered to convoke, prorogue, and dissolve the provincial legislature ; to nominate his council ; to discharge singly the whole executive functions of government ; and to share the legislative functions, by affirming or rejecting the bills of the assembly. The Pennsylvanian council differed from all the other provincial councils in this respect, that it did not form a distinct branch of the legislature, but was considered as a court of assistants to the acting governor, and a check on his authority, — rather a privy council than a senatorial body. It was declared that liberty of conscience was the inviolable right of the colonists ; that Christians of every denomination should be qualified to occupy the offices of government ; and that no act or ordinance should ever be made to alter or diminish the form or effect of the charter, without the consent of the governor, and six parts in seven of the assembly. But as it was now plainly foreseen that the representatives of the *province* and those of the *territories* would not long continue to unite in legislation, it was provided that they should be allowed to separate within three years from the date of the charter, and should enjoy the same privileges when separated as when united. In exercise of the new authority thus vested in himself, Penn nominated a *council of state*, to consult with and assist the governor or his deputy, and to administer his functions in case of his death or absence. The office of deputy-governor<sup>1</sup> he bestowed on Colonel An-

<sup>1</sup> No mention is made of the royal confirmation of this appointment, which is expressly referred to in the appointment of Evans, the successor of Hamilton. By an act of parliament, already noticed in the history of Maryland, it was requisite now that all the acting governors in the proprietary jurisdiction should be approved by the king.



drew Hamilton, who had formerly been governor of New Jersey.

One of the latest acts which Penn performed before his final departure from America, the incorporation, by charter, of the city of Philadelphia, has been justly charged with great illiberality ; though, according to the apology which his friends have suggested for it, the blame must be divided between himself and others. By this charter he nominated the first mayor, recorder, aldermen, and common councilmen of the city ; and, among other privileges and franchises, empowered them to elect their successors in office, and even to increase their own number according to their own discretion. The city lands were granted to them, under the title of the Mayor and Commonalty of the City of Philadelphia ; but the commonalty had no share in the government or estate of the city ; the civic functionaries being self-elective, and not accountable to their fellow-citizens in any respect. It has been asserted, that this municipal constitution, which was copied from the charter of the town of Bristol, in England, was conceded by Penn to the desires of certain of his colonists who were natives of that place ; and it is admitted that the functionaries whom he himself appointed were men of talent and integrity. But the possession of power, divested of control and responsibility, produced its usual effect on this corporate society ; and the abuses engendered by its administration were, from a very early period, a theme of continual discontent and complaint to the inhabitants of the city and the provincial assembly. Having concluded these transactions, and once more renewed the engagements of peace and good-will with the Indians, Penn addressed to his people a farewell couched in friendly and benevolent terms, but far less tender and affectionate than his former valediction ; and, embarking with his family, returned to England.<sup>1</sup> [October 31, 1701.]

The only reason that Penn assigned to the colonists for this second departure was the intelligence he had received of a project of the English court to abolish all the proprietary jurisdictions in North America, and the expediency of his own

<sup>1</sup> Proud. Winterbotham. Dillwyn, *apud eundem*. Clarkson.

appearance in England to oppose a scheme so derogatory to his interest ; but as he found, on his arrival in this country, that the measure had been abandoned, and yet never again returned to America, it seems very unlikely that this was the sole or even the main reason for his conduct. The disagreements between himself and his colonists had rendered their intercourse far less satisfactory than he could have desired, and had induced him to supply the inadequacy of his own personal influence by a large addition to his political power ; and from the numerous demands of the British government for contributions in aid of military purposes, it was manifest that this power must be frequently exerted for the attainment of objects, which, as a professor of Quakerism, he could pursue with more decency and more firmness by the intervention of a deputy than by his own personal agency. The disagreeable tidings that pursued him from America must have increased his aversion to return thither ; and the favor he enjoyed with Queen Anne, on her accession to the throne [January, 1702], perhaps reawakened the views and hopes that had led him once before to prefer the courtly shades of Kensington to the wild woods of Pennsylvania. His attendance at court, however, was soon interrupted by the perplexity and embarrassment of his private affairs (arising from the fraud of his steward), which compelled him to mortgage his American territory ; and the same cause, uniting with increased dissensions between him and the colonists, induced him subsequently to treat with the British government for a sale of his proprietary functions.<sup>1</sup> The completion of the bargain, however, was suspended by his sickness, and intercepted by his death, which transmitted the proprietary government to his descendants, by whom it was enjoyed till the period of the American Revolution.

Penn had scarcely quitted America when the disputes between the *province* and the *territories* broke forth with greater bitterness than before. The Delaware representatives protested against the charter ; and, refusing to sit in the same assembly with the Pennsylvanians, chose a separate place of

<sup>1</sup> He demanded as the price of this surrender twenty thousand pounds, but agreed to accept twelve thousand pounds.

meeting for themselves in Philadelphia. After continuing for some time to indulge their jealous humor, and to enjoy whatever satisfaction they could derive from separate legislation, they were persuaded by the successor of Hamilton, Governor Evans (who was much more agreeable to them than to the people of Pennsylvania), to demonstrate a more reasonable temper [1703<sup>1</sup>], and to propose a reunion with the Pennsylvania assembly. But this body, provoked and disgusted at the refractory spirit which the Delaware representatives had already displayed, now refused to entertain their overtures of reconciliation. The breach thus became irreparable; and in the following year [1704] the separate legislature of Delaware was permanently established at Newcastle. In addition to the tidings of these prolonged disagreements and final rupture between the two settlements, Penn was harassed by complaints against the government of Evans, whose exertions to promote a militia, though they rendered him popular in Delaware, made him odious in Pennsylvania. Deriding the pacific scruples of the Quakers, Evans falsely proclaimed the approach of a hostile invasion, and invited all who were willing to defend their liberty and property to take arms against the enemy. A few individuals, and, among these, four Quakers, duped by this stratagem, flew to arms, and prepared to repel the threatened attack. But the chief effect of the proclamation was to cause many persons to bury their plate and money, and to fly from their homes; and the detection of the falsehood was followed by an impeachment of the governor, and of Logan, the secretary of the province, who, though innocent of accession to the

<sup>1</sup> This year (if we may believe the representation of Colonel Quarry) was remarkably productive of crime in Pennsylvania. In Quarry's *Memorial to the Lords of Trade*, it is stated that the jail of Philadelphia was then crowded with felons, and that justice was greatly obstructed by the refusal of Quaker judges, jurymen, and witnesses to take an oath; inasmuch, that at a recent sessions, where many guilty persons were indicted, only one murderer was convicted, and "all Quakers and others for rapes and less crimes were discharged." Quarry's *Memorial*, in the British Museum.

From the *Journal* of Thomas Chalkeley, the Quaker, it appears that some of his fellow-sectaries in Pennsylvania were not exempt from occasional lapses into very immoral and disorderly conduct. "It is worthy of commendation," he reports, "that our governor, Thomas Lloyd, sometimes, in the evening, before he went to rest, used to go in person to public houses, and order the people he found there to their own houses, till at length he was instrumental to promote better order, and did in a great measure suppress vice and immorality in the city."



fraud, made himself suspected by endeavouring to palliate the guilt of it. Penn, however, supported these accused officers, and thereby increased the displeasure that was gathering among his people against himself. He was now little disposed to consider with indulgence the conduct of the inhabitants of Pennsylvania; who, no longer engrossed with the interest of the discussions they had maintained with the people of Delaware, but perhaps animated by the temper which such discussions commonly imply or produce, began with very dissatisfied spirit narrowly to inquire into the whole course of their proprietary's policy with respect to themselves.

The assembly of Pennsylvania not only assailed him with repeated demands, that the quitrents, which he deemed his own private estate, should be appropriated to the support of the provincial government,<sup>1</sup> but transmitted to him a remonstrance, entitled *Heads of Complaint*, in which they alleged that it was by *his artifices* that the constitution of the province had been subjected to so many successive alterations; that he had violated his original compact by the recent enlargement of his authority so far beyond the limits within which he at first engaged to confine it; and that he had received large sums of money, during his last visit to the province, in return for benefits which he promised to procure, but had never yet obtained, for the people from the English government. They censured the original annexation of Delaware to Pennsylvania; reminding him that his title to the government of Delaware, not having been founded on a royal grant, was from the first extremely precarious; and *lamenting with great grief* that the privileges granted to the Pennsylvanians by his first charters were exposed to perish with the baseless fabric of the Delaware institutions wherewith he had associated them. Numerous

<sup>1</sup> "Penn's first purchases of land from the Indians," says Belknap, "were made at his own expense; and the goods delivered on these occasions went by the name of *presents*. In course of time, when a treaty and a purchase went on together, the governor and his successors made the speeches, and the assembly were at the expense of the presents. When one paid the cost, and the other enjoyed the profit, a subject of altercation arose between the proprietary and the popular interests, which other causes contributed to increase and inflame." *American Biography*. From the work of Proud it appears, that, long before Penn's death, the payments which the Indians were continually receiving were derived from assessments imposed by the provincial assembly on their constituents.

extortions of his officers were at the same time complained of ; and these were attributed to his refusal, in the year 1701, to affirm a bill that had been framed by the assembly for the regulation of official fees. Probably some of the foregoing complaints were founded in misapprehension, or suggested by factious malignity ; and, doubtless, the discontent, which both on this and other occasions was expressed towards the proprietary, owed in some degree its origin to the peculiar relation which he held to the members of his own religious society in the province. These persons had always regarded the civil and political institutions of Pennsylvania as subordinate to the establishment and patronage of Quakerism ; and expected a degree of equality to result from the legislation of a Quaker minister, which they would never have looked for from a lawgiver of any other persuasion. His own assurances, at the beginning, that, in acquiring the province, his main purpose was to serve the cause and the people of God (which they understood to signify Quakerism and the Quakers), contributed to exaggerate their expectations in this respect.

Indignant at the charges levelled against himself, and prejudiced by this feeling against the accusers of Evans, Penn continued to support that worthless functionary, till his conduct had gone far to excite the people of Delaware to actual hostilities against their Pennsylvanian neighbours, in prosecution of an unjust demand of a toll on the navigation of the Delaware, which Evans suggested to them. Receiving complaints of this, as well as of other instances of official malversation, on the part of his deputy-governor, and having ascertained, by deliberate examination, that they were too well founded, Penn hesitated no longer to supersede Evans, and appointed in his place Charles Gookin [1708], a gentleman of an ancient Irish family, retired from the army, in which he had served with repute, and who seemed qualified, by his age, his experience, and the mildness of his manners, to give satisfaction to the people over whom he was sent to preside. Gookin carried with him an affectionate letter from Penn to the assembly, in which their recent disagreements were passed over without any other notice or allusion than was couched in an invocation for his people, as well as himself, of that humility with which men

ought to remember their own imperfections, and that charity which they ought to extend to the infirmities of others. But the assembly proved far less placable and indulgent than he expected. [1709.] While they congratulated Gookin on his arrival, they reproduced in their address every murmur and complaint that they had ever before expressed. Their ill-humor was augmented by the number of applications which Gookin was from time to time constrained to make, in the queen's name, for contributions in aid of the various military operations that related more immediately to the American colonies. To all these applications the assembly invariably answered that their religious principles would not suffer them to contribute to the support of war ; but, with mechanical regularity, they voted the sums that were demanded, as *presents* to the queen.

Finding his people more estranged from him and more obdurate to his overtures of conciliation than he had been willing to believe, Penn, now in his sixty-sixth year, for the last time addressed the Pennsylvanian assembly, in a letter whereof the reproachful tenor was moderated by a tone of calm solemnity and dignified concern. [April 29, 1710.] It was a mournful consideration to him, he said, that he was forced, by the ill usage and disappointment which had fallen to his share in this life, to speak to the people of *that province* in a language he once hoped never to have occasion to employ. In a strain of serious remonstrance, he appealed to them, if, at the expense of his own fortune and personal exertions, he had not conducted them into a land where prosperity and liberty, far beyond the common lot of mankind, had been made their portion ; and if this work of his hands had yielded him aught else than the sorrow, disquiet, and poverty, that now pressed heavily on his old age.<sup>1</sup> "I must desire you all," he proceeded, "in a serious and true weightiness of mind, to *consider what you are or have been doing* ; why matters must be carried on with these divisions and contentions ; and what real causes have

<sup>1</sup> Notwithstanding this desponding strain, it is manifest, from Penn's competition with Locke for the praise of superior legislation (see a note to Book III., *ante*), that he was by no means insensible to the imperishable fame assured to him as the founder of Pennsylvania. The services of Penn were not only more liberally remunerated, but more gratefully remembered by his people, than were those of Lord Baltimore by the colonists of Maryland.



been given on my side for that opposition to me and my interest which I have met with, *as if I were an enemy*, and not a friend, after all I have done. I am sure I know not of any cause whatsoever. Were I sensible you really wanted any thing of me, in the relation between us, that would make you happier, I should readily grant it, if any reasonable man would say it were fit for you to demand." He recapitulated, with minute deduction, the various alterations that the constitution of the province had undergone, and endeavoured to show that every one arose out of inconveniences of which all were sensible at the time, and which all had willingly united in thus correcting. It was right, he contended, that the proprietary, who was personally responsible to the crown for an administration conformable to the *royal charter*, should be vested exclusively with the executive power. He could no longer, he protested, impute the treatment he met with to honest misconception; seeing that he had such injuries to complain of as repeated attacks on his reputation, — numerous indignities offered to him in writings sent to England by the hands of men who could not be expected to make the most discreet or charitable use of them, — insinuations against his integrity, — attempts upon his estate, — and disfavor shown to individuals (particularly Logan, the secretary of the province) on account of their reputed attachment to him. "I cannot but mourn," he added, "the unhappiness of my portion dealt to me from those of whom I had reason to expect much better and different things; nor can I but lament the unhappiness that too many are bringing on themselves, who, instead of pursuing the amicable ways of peace, love, and unity, *which I at first hoped to find in that retirement*, are cherishing a spirit of contention and opposition, and, blind to their own interest, are oversetting that foundation on which your happiness might be built. Friends! the eyes of many are upon you; the people of many nations of Europe look on that country as a land of ease and quiet, wishing to themselves in vain the same blessings they conceive you may enjoy; but to see the use you make of them is no less the cause of surprise." He concluded by declaring that the opposition he had encountered from the people of Pennsylvania now compelled him to consider more closely his own private

and declining circumstances in relation to this province. He was willing to continue his kindness to them, if they should think him deserving of reciprocal regard. If it should be otherwise deemed by a majority of them, let them say so at once ; and he would know what he had to rely on. *And yet* he would hope that God might so direct them, by the impartment of heavenly wisdom and holy fear, that “ we may once more meet good friends, and live so to the end.”

This touching and forcible appeal was not fruitlessly addressed to the people of Pennsylvania. On all the more generous and considerate spirits in the assembly it prevailed with an efficacy at once instantaneous, profound, and enduring. Awaking to impressions of which faction had suspended the enjoyment without effacing the relish, they were touched with a tender remembrance of Penn's long labors and venerable age ; they began to cherish a filial devotion to the father of his country ; to excuse his frailties with a kind indulgence ; and to appreciate, with noble elation, their own interest in his distinguished fame. This revolution of sentiment was rapidly propagated throughout the province ; and its effect was apparent at the next annual election, when not one of the persons who had signalized themselves by their enmity to Penn, and encouraged the rest of their countrymen to think unfavorably of him, was elected a member of the provincial assembly. [Oct., 1710.] But it is more than doubtful if this gratifying proof of restored confidence and regard was ever known to its illustrious object, who was attacked shortly after by a succession of apoplectic fits, which, suspending almost entirely the exercise of his memory and understanding, prevented him alike from completing an arrangement he had made with the crown for the sale of his proprietary rights, and from receiving the intelligence that might have induced him to consider such an arrangement unnecessary.<sup>1</sup>

Little remains to be added to the view that has already been exhibited of the condition and institutions of Pennsylvania and Delaware, at the close of the seventeenth century. Pennsylvania retained the constitution defined by Penn's last

<sup>1</sup> Proud. Chalmers. Dillwyn, *apud* Winterbotham. Oldmixon (2d edition). Clarkson. See Note XVI., at the end of the volume.

charter, in 1701, till the era of American independence ; and Delaware continued to enjoy its own assembly, and to be subject to the executive administration of the governor of Pennsylvania, till the year 1755, when it was formally erected into a separate State, and endowed with a separate government. No fixed salary was allotted to the governor of Pennsylvania ; but sums of money were voted to him, from time to time, to defray the expenses of his government ; and the amount of these sums was proportioned to the favor he enjoyed with the representatives of the people. In the assembly which was held by Penn at Newcastle, in the close of the year 1700, the remuneration allotted to the members consisted of six shillings a day for attendance, and threepence per mile for travelling charges. The speaker's daily allowance was ten shillings. The meeting of the assembly was indicated by the ringing of a bell ; and any member entering half an hour after the appointed time was fined tenpence. The humane code of criminal law, which we have remarked among the first fruits of Pennsylvania legislation, continued in force till the year 1705, when it was abolished by Queen Anne, as too little consonant with the spirit of English jurisprudence ; but it was soon after re-established by the same princess, at the intercession of William Penn. For the prevention of lawsuits, three functionaries were appointed by each county court of Pennsylvania, who were invested with the honorable title of *Peacemakers*, and the blessed office of mediating between contending parties, and accommodating their differences by friendly arbitration. Twice a year an *orphan's court* was held in every county for the inspection and regulation of the affairs of widows and orphans.<sup>1</sup>

Although Quakerism continued long to be the most prevalent religious persuasion in Pennsylvania, yet from a very early period the province had invited and gained the resort of Christian professors of various other denominations ; and an ecclesiastical edifice was already built in Philadelphia for the reception of a congregation of seven hundred persons attached to the

<sup>1</sup> Warden. Clarkson. Oldmixon. Similar to the institution of the Pennsylvanian *Peacemakers* was the *Tribunal of Conciliation* established in Denmark, and described by Catteau in his *Tableau des Etats Danois*.



tenets and ritual of the church of England. Some displeasure was manifested by the Quakers at the first proposal of this Episcopal party to erect an organ in their church. In the years 1698, 1706, 1709, and 1711, the population of Pennsylvania was augmented by successive emigrations supplied by the sect of Mennonists in Germany and Flanders. These religionists, derived from the parent society of Anabaptists, resembled the Quakers in renouncing oaths and arms, and suffered, as the Quakers had once done, for the reproach which the frenzy of their sectarian parents had brought upon their tenets. Apprized of the circumstances of these people, Penn conveyed to them information of the liberal institutions that were established in his proprietary domains; and considerable numbers of them, partly for the sake of religious liberty, and partly with the hope of temporal advantage, transported themselves from Europe to Pennsylvania. The Episcopalians, and most of the other colonists who were not professors of Quakerism, made frequent propositions for the establishment of a militia; but the Quakers steadily refused to sanction such a proceeding by an act of the provincial government; though all who deemed the use of arms lawful were permitted to train themselves, and to adopt every military precaution for their defence that was not inconsistent with peace and good order in the province.<sup>1</sup> Most of the offices of government were filled by Quakers; and neither the conduct of forensic controversy, nor the administration of judicial power, was deemed incompatible with their religious profession.<sup>2</sup> Though they disapproved of oaths, the Quaker judges seem never to have hesitated to administer them to those witnesses who did not partake their scruples. So early as the year 1686, a printing-press

<sup>1</sup> Oldmixon. Proud.

<sup>2</sup> In the case of Kinsey, a Quaker lawyer (afterwards attorney-general and finally chief-justice of Pennsylvania), it was determined, after solemn debate, by the provincial government, that Quaker lawyers should not be obliged to uncover their heads in addressing the judges. Proud. Lord Fountainhall, a Scottish judge, in his published report of a legal decision pronounced by himself and his brethren, observes, that one of the parties in the case was the celebrated Robert Barclay of Urie, who pleaded in person for himself, and proved the victorious litigant. On this occasion (says Lord F.), Mr. Barclay stood within the bar *with his hat off*, "and gave to the president the compellation of *My Lord*." Yet this was the same man who had perambulated Aberdeen in sackcloth and ashes.

was established at Philadelphia ; and an almanac, for the following year, was printed at this press by Bradford.<sup>1</sup>

When the Swedish colonists first occupied Delaware, they found the country infested with wolves, whose ferocity was soon after inflamed to an extraordinary pitch by the mortality which the small-pox occasioned among the Indians, and the increased quantity of prey derived from the unburied corpses of the victims of this pestilence. Both in Pennsylvania and Delaware, bounties continued to be paid for the destruction of wolves so late as the middle of the eighteenth century.<sup>2</sup>

The *province* and the *territories*, but especially the former, enjoyed from an early period a thriving trade with the parent state, with the southern English colonies in America, and with the British West India settlements. Their exports consisted of corn, beef, pork, fish, pipe-staves, hides, tallow, and wool, to the West Indies ; horses and other live cattle to the southern plantations ; and peltry to England. Their direct trade with England was afterwards increased by the cultivation of tobacco, which was commenced under Blackwell's administration, and so rapidly extended, that, in the beginning of the eighteenth century, fourteen ships sailed annually with cargoes of that commodity from Pennsylvania. Their exports, however, were abridged in the year 1699 by an act of parliament (already noticed in the history of New Jersey) which prohibited the exportation of wool, whether raw or manufactured, from the American colonies. The province, at the same time, imported the produce of various English manufactures to the value of about eighteen thousand pounds a year, and yielded a revenue of three thousand pounds to the customs of the crown. The consumption of English manufactures would probably have been larger, but that the German colonists imported with them into Pennsylvania the manufactures of paper, linen, and woollen cloth.<sup>3</sup>

According to Oldmixon, whose history was first published

<sup>1</sup> Thomas's *History of Printing in America*.

<sup>2</sup> Kalm's *Travels in North America*.

<sup>3</sup> G. Thomas. Oldmixon. Penn, *apud eundem*. In the *Descriptio Pennsylvaniae* of Thomas Makin, the Pennsylvania farmer is represented as deriving both his food and raiment from the produce of his own possessions : —

“Esuriens, dulces epulas depromit inemptas,  
Et proprio vestis vellere texta placet.”

in 1708, the total number of inhabitants within the domains of William Penn then amounted to thirty-five thousand ; a computation which the author himself terms a modest one, and which, as it included Indians and negroes, was probably short of the truth. The town of Philadelphia, in 1696, contained more than a thousand houses, most of which are described as substantial structures of brick ; and Newcastle, the metropolis of Delaware, in the beginning of the eighteenth century, possessed two thousand five hundred inhabitants.<sup>1</sup> For many years after its first occupation by the English, Pennsylvania continued to witness a rapid growth of its people, not only from a constant resort of emigrants, whom its attractions invited from all parts of Europe, but from a native increase more vigorous than any other society, since the infancy of the world, has ever exhibited. Gabriel Thomas, who published his account of this province in 1696, affirms that barrenness among women was unknown in Pennsylvania, and their celibacy, after twenty years of age, a very rare occurrence ; and that it was impossible to meet a young married woman there who had not a child in her body or one in her arms. The children born in the province he describes as in general "better-natured, milder, and more tender-hearted than those born in England."<sup>2</sup> The fertility of the soil, the general healthiness of the climate (notwithstanding the severe epidemics occasionally prevalent at Philadelphia), the liberal reward of labor, and the moral, frugal, and industrious habits, promoted by the powerful example of the Quakers, contributed to the production of this large increase, and rendered Pennsylvania distinguished, even among the North American communities, as a scene of happiness and virtue. The manners of a numerous portion of the first race of Quaker settlers, and of their immediate descendants, have been cited as a remarkable exemplification of courteous benevolence, corresponding to the purpose with which their migration to America was undertaken, — of facilitating the enjoyment of that affectionate intercourse which their sectarian tenets peculiarly enjoined. Some of the leading persons among the earliest Quaker settlers were men who traced

<sup>1</sup> Oldmixon. G. Thomas.

<sup>2</sup> G. Thomas.



their lineage to the stock of the most ancient nobility of England, and in whom a sense of ancestral distinction was so tempered with the meekness of genuine Quakerism, as to impart only a patriarchal dignity to their deportment. Their hospitality, in particular, was conducted with a grace and simplicity entirely patriarchal.<sup>1</sup> The people of Delaware appear to have been, in general, a less refined and enterprising, but not a less virtuous race. Penn himself has celebrated the good morals and sobriety of demeanour of the Swedish and Dutch agriculturists. The Swedish church at Wilmington is reputed one of the oldest churches in North America.<sup>2</sup>

Among the first race of Pennsylvanian settlers were various persons whose attainments in science and literature would have entitled them to an honorable distinction in the most refined and enlightened societies. James Logan, a Quaker, and secretary of the province, was the correspondent of the most illustrious scholars and philosophers in Europe; and several of his works, written in the Latin tongue (particularly a treatise on the generation of plants, and another on the properties of light), were published with much applause at Leyden. He enriched Philadelphia with a valuable library; and, in his old age, composed an admirable translation of Cicero's treatise *De Senectute*, which was afterwards printed with an encomiastic preface by Dr. Franklin. Thomas Makin, another Quaker, and one of the earliest settlers in Pennsylvania, produced, in the beginning of the eighteenth century, a descriptive and historical account of the province, in a Latin poem, entitled *Descriptio Pennsylvaniae*,<sup>3</sup> exhibiting, with great force

<sup>1</sup> Warden. Galt's *Life of West*. "In the houses of the principal families, the patricians of the country," says Mr. Galt, "unlimited hospitality formed a part of their regular economy. It was the custom among those who resided near the highways, after supper and the last religious exercises of the evening, to make a large fire in the hall, and to set out a table with refreshments for such travellers as might have occasion to pass during the night; and when the families assembled in the morning, they seldom found that their tables had been unvisited."

<sup>2</sup> Winterbotham.

<sup>3</sup> Proud. The original portrait of Makin bears some resemblance to the later and fanciful representation of the bard of Wyoming, who reports of his favorite Pennsylvanian settlement, that it long was ignorant of both war and crime, except from the testimony of European story,—

"For here the exile met from every clime,  
And spoke in friendship every distant tongue."

Campbell.

of thought and beauty of language, one of the most delightful pictures of national virtue and happiness that have ever invited the admiration of mankind.

## APPENDIX I.





## APPENDIX I.

State and Prospects of the North American Provinces at the Close of the Seventeenth Century. — Sentiments and Opinions of the Colonists respecting the Sovereignty and the Policy of Great Britain, &c.

AT the close of the seventeenth century, the British settlements in North America contained a population of more than three hundred thousand persons, distributed among the various colonial establishments whose origin and early progress have engaged our attention.<sup>1</sup> The formation of these colonies is by far the most interesting event of that memorable age.<sup>2</sup>

“ Speculative reasoners during that age,” says a great historian, “ raised many objections to the planting of those remote colonies, and foretold, that, after draining their mother country of inhabitants, they would soon shake off her yoke, and erect an independent government in America ; but time has shown that the views entertained by those who encouraged such *generous undertakings* were more just and solid. A mild government, and great naval force, have preserved, and *may still preserve, during some time*, the dominion of England over her colonies. And such advantages have commerce and navigation reaped from these establishments, that more than a fourth of

<sup>1</sup> From a comparison of the calculations of various writers, each of whom almost invariably contradicts all the others, and not unfrequently contradicts himself, I am inclined to think the following estimate of the population of the colonies at this period nearly, if not entirely, correct. Virginia, 60,000 ; Massachusetts (to which Maine was then attached), between 70,000 and 80,000 ; Connecticut, 30,000 ; Rhode Island, 10,000 ; New Hampshire, 10,000 ; Maryland 30,000 ; North and South Carolina, 10,000 ; New York, 30,000 ; New Jersey, 15,000 ; and Pennsylvania, 35,000. Even writers so accurate and sagacious as Dwight and Holmes have been led to underrate the early population of North America, by relying too far on the estimates which the provincial governments furnished to the British ministry for the ascertainment of the numbers of men whom they were to be required to supply for the purposes of naval and military expeditions.

<sup>2</sup> See Note XVII., at the end of the volume.

the English shipping is at present computed to be employed in carrying on the traffic with the American settlements.”<sup>1</sup> The apprehensions of depopulation to which this author has adverted are considered at greater length in the prior work of Oldmixon, who asserts that “on this argument are founded all the reasons to excuse the ill usage the plantations have met with”; and, after combating the absurd and groundless alarm, appeals to the large increase already derived to the trade and the revenue of England from the colonies, as affording a juster and stronger reason for repairing that ill usage, and introducing more liberal provisions into the English commercial code.<sup>2</sup> The apprehensions of American independence were no less the object of ridicule to the best informed writers, in the beginning of that century which was destined to witness the American Revolution. “It will be impossible,” says Neal, “for New England to subsist of itself *for some centuries of years*; for, though they might maintain themselves against their neighbours on the continent, they must starve without a free trade with Europe, the manufactures of the country being very inconsiderable; so that, *if we could suppose them to rebel against England*, they must throw themselves into the arms of some other potentate, who would protect them no longer than he could sell them with advantage.”<sup>3</sup> So slightly were the colonies connected with each other, and so much of mutual repugnance was created by religious and political distinctions between them, that the probability of their uniting together for common defence against the parent state never occurred to this author. Nor will this be deemed an impeachment of his sagacity, when we consider, that, seventy years afterwards, the prospect, which had then begun to dawn, of an effectual confederacy of those colonies against England, was declared by an eminent philosophical historian to be perfectly delusive and chimerical.<sup>4</sup>

<sup>1</sup> Hume's *England*.

<sup>2</sup> Oldmixon, *Introd.* Some part of this author's reasoning seems to have been derived from a work of William Penn, entitled *The Benefit of Plantations or Colonies*. Oldmixon refers to another work, in which the same topics had been enforced, entitled *Groans of the Plantations*, by Judge Littleton, of Barbadoes. A still more distinguished writer on the same side of the question was Sir Dalby Thomas, an eminent merchant, and author of *An Historical Account of the Rise and Growth of the West India Colonies*.

<sup>3</sup> *History of New England*.

<sup>4</sup> Raynal's *America*.



If Hume had accurately examined the history and condition of the British colonies, or if Neal and Oldmixon had added to this acquirement the sagacity and penetration of Hume, it is probable that *he* would not have cited the *mildness* of the English government<sup>1</sup> as one of the circumstances that were likely to retard the independence of America, which he perceived must ere long ensue; and that *they* would have discerned in the policy of the English government an influence strongly tending to counteract the principles that separated the American communities from each other, and to unite them by a growing sense of common interest and common injury in a confederacy fatal to the prerogative of the parent state. Every added year tended no less to weaken the divisive influence of the distinctions imported by the original colonists into their settlements, than to enhance the sense of united interest, and to augment the *power* by which this interest might be sustained and defended. The character of *generous undertakings*, which Hume justly applies to those colonial establishments, expresses a praise which the English government had no pretension to share with the private individuals by whom they were founded;<sup>2</sup> and the mild policy, whether spontaneous or accidental, which permitted the liberal institutions erected by these men for themselves to continue in existence, tended rather to abridge than to prolong the British dominion, by nourishing in the colonies a spirit and habit of liberty repugnant to the unjust and oppressive strain of the British commercial restrictions.<sup>3</sup> The colonial empire of Spain would not have boasted a longer duration than that of England, if her settlements in South America had enjoyed as liberal constitutions as the North American colonies. "The policy of Europe," says a writer who perhaps equalled Hume in political sagacity, and certainly excelled him

<sup>1</sup> "Britain," says another historian, "behaved like an unnatural parent to her own colonies, and treated them like aliens and rivals." Smollett's *England*.

<sup>2</sup> The colonization of Georgia, which did not occur till 1732, was the only instance in which the English government contributed to the foundation of any of the North American States.

<sup>3</sup> See an account of the commercial restrictions that were imposed prior to the British Revolution, and an examination of their policy, *ante*, Book I., Chap. III. To the restrictions there described, there was added, before the close of the seventeenth century, a prohibition (noticed in the histories of New Jersey and Pennsylvania) of the exportation of wool from the colonies.

in acquaintance with colonial history, “has very little to boast of, either in the original establishment, or, so far as concerns their internal government, in the subsequent prosperity, of the colonies of America.” Folly and injustice he pronounces to have been the principles that presided over the formation of all the colonial settlements ; avarice of gold impelling the adventurers to the southern, and tyranny and persecution promoting the emigrations to the northern parts of America. The governments of the several parent states, he remarks with truth, contributed little or nothing towards the plantation of their colonies, and yet invariably attempted to enrich their own exchequers, and secure to themselves a monopoly of the colonial commerce,<sup>1</sup> by regulations injurious to the freedom and prosperity of the colonists, — a policy in which the particular procedure of England was distinguished only as somewhat less illiberal and oppressive than that of the other European states. “In what way, therefore,” demands this great writer, “has the policy of Europe contributed either to the first establishment or to the present grandeur of the colonies of America ? In one way, and in one way only, it has contributed a great deal. *Magna mater virum !* It bred and formed the men who were capable of achieving such great actions, and of laying the foundations of so great an empire ; and there is no other quarter of the world of which the policy is capable of forming, or has ever actually and in fact formed, such men. The colonies owe to the policy of Europe the education and great views of their active and enterprising founders ; and some of the greatest and most important of them, so far as concerns their internal government, owe to it scarce any thing else.”<sup>2</sup>

In the colonial establishments of the French, the Spaniards, and the Portuguese, the royal government was stronger and more despotic, and subordination was more strictly enforced, than in the relative parent states. Illiberal institutions, remote from the power and splendor of the thrones to which they were allied, required to be guarded with peculiar care from the approach of opinions and practices that savored of freedom.

<sup>1</sup> See Note XVIII., at the end of the volume.

<sup>2</sup> Smith's *Wealth of Nations*. See also Postlethwayt's *Universal Dictionary of Trade*.

It was otherwise in the British colonies, where the grafts of constitutional liberty that were transplanted from the parent state expanded with a vigor proportioned to their distance from the rival shoots of royalty and aristocracy with which they were theoretically connected. Though a great diversity of views and motives contributed to the foundation of these colonial communities, yet a considerable similarity of character and disposition was produced among their inhabitants by the similarity of the fortune which they encountered, and of the social positions which they attained in America. Not only did the British colonies enjoy domestic constitutions favorable to liberty, but there existed in the minds of the great bulk of the people a democratic spirit<sup>1</sup> and determination that practically reduced the power of the parent state even below the standard of its political theory. Many causes contributed to the production of this spirit, and to the nurture and development of its vigor and efficacy. All the colonial charters were extorted, by interest or importunity, from princes noted for arbitrary designs or perfidious characters; and no sooner had the charters produced the effect of collecting numerous and thriving communities in America, than some of them were annulled, and all of them would have shared the same fate, if the dynasty of the Stuarts had endured a little longer. The designs of these princes were not sincerely or substantially repudiated by their successors. For many years after the British Revolution, the American colonists were provoked to continual contests in defence of their charters, which the English court made successive attempts to qualify or abolish. These defensive efforts, and the success with which they were generally crowned, tended strongly to keep alive an active and vigilant spirit of liberty in America. The ecclesiastical constitutions and the religious sentiments that prevailed in the majority of the provinces were no less favorable to the growth of liberal and independent sentiments. In Virginia, Maryland, and Car-

<sup>1</sup> Colonel Quarry, in his *Memorial to the Lords of Trade*, in 1703, after reproaching the republican spirit that prevailed in Virginia, protested, that "Now or never is the time to maintain the queen's prerogative, and put a stop to those wrong, pernicious notions which are improving daily, not only in Virginia, but in all her Majesty's other governments." "A frown now from her Majesty," he adds, "could do more than an army hereafter." See also the statements cited in Note XIV.



olina, alone of all the States,—in the first from its earliest settlement, and in the others by unjust usurpation,—the church of England was possessed of a legal preëminence, and supported at the expense, not only of its own adherents, but of all the other inhabitants, of whatever Christian denomination. In every one of the other States there existed, about the close of the seventeenth century, either an entire political equality of religious sects, or at least a very near approach to it; and in these States, not only were the inhabitants, by their general character of Protestants, the votaries of a system founded on the acknowledged supremacy of popular and individual judgment,—but the majority of them, belonging to that class which in England received the title of Protestant Dissenters, professed tenets which have been termed *the Protestantism of the Protestant faith*, and which naturally predispose the minds that harbour them to a jealous regard for civil liberty, and a promptitude to repel every arbitrary exertion of municipal authority. Even the Episcopal church, where it existed, whether as the preëminent establishment, or as one of many coequal associations, was stripped of the aristocratical appendages which it enjoyed in the parent state, and exhibited neither a titled hierarchy nor a gradation of ranks among the ministers of religion. In civil life a similar equality of condition generally prevailed. No attempt was ever made to introduce the haughty privilege of titular *nobility* into any of the provinces except Carolina, where the institution soon withered and died.<sup>1</sup> Unaccustomed to that distinction of ranks which the policy of Europe has established, the people were generally impressed with a conviction of the natural equality of all freemen; and even in those provinces where negro slavery obtained the greatest prevalence, the possession of this tyrannical privilege seems rather to have inflamed and adulterated the spirit of freedom with a considerable tinge of arrogance, than to have contributed at all to mitigate its ardor. Slave-owners regarded every approach to the condition of slavery with stern aversion and disdain. Except that inhuman institution, every circumstance in the domestic or relative condition of these provinces had

<sup>1</sup> Yet the mysterious nonsense of *freemasonry* was introduced pretty early, and has continued to maintain a footing among the Americans.

a tendency to promote industry, good morals, and impressions of equality. The liberal reward of labor and the cheapness of land placed the enjoyment of comfort and the generous dignity of independence within the reach of all the inhabitants; the luxuries and official dignities of England attracted the wealthy voluptuary and the votary of ambition to that fitter sphere of enjoyment and intrigue;<sup>1</sup> and the vast *wastes* or uncultivated districts attached to every province presented salutary outlets by which the population was drained of those restless, disorderly adventurers who were averse to legal restraint and patient labor, and who, in the roving occupation of hunters and *backwoodsmen* (as they have been termed), found a resource that diverted them from more lawless and dangerous pursuits, and even rendered them useful as a body of pioneers who paved the way for an extension and multiplication of the colonial settlements. Feudal tenures were little known in America, where almost every farmer was a freeholder and absolute proprietor of the ground which he cultivated. No trading corporations or monopolies restrained the freedom with which every man might employ his industry, capital, and skill; and no forest laws nor game laws confined the sports of the field to a privileged class of the community. No entails were admitted, to give adventitious aid to natural inequalities, and perpetuate in the hands of idleness and incapacity the substance that had been amassed by industry and talent.<sup>2</sup> Happily for the stability of American freedom, it was impossible for the first generation of colonists to succeed in rearing their settlements, and attaining a secure and prosperous establishment, without the exercise of virtues and the formation of a character that guaranteed the preservation of the blessings to which they had conducted.<sup>3</sup> Even the calamities of French and Indian war, which long harassed some of the provinces, contributed to preserve a spirit and habits without which their

<sup>1</sup> William Penn, in his treatise on *The Benefit of Plantations or Colonies*, declares, that many persons, who had been constrained by poverty to emigrate, had returned with large fortunes, accumulated in the colonies, to reside in England.

<sup>2</sup> At a subsequent period, the system of entails became prevalent in Virginia. Wirt's *Life of Henry*. It was productive of great dislike and jealousy between the aristocracy and the yeomanry of the province. *Ibid.* It was abolished three months after the declaration of American independence.

<sup>3</sup> See Note XIX., at the end of the volume.

people would probably have been unable, in the eighteenth century, to achieve their independence.<sup>1</sup> In Virginia we have already seen the preparations elicited by an Indian war rendered instrumental to a rebellion against the parent state ; and the annals of New England and New York have shown us nearly half of the American provinces induced to unite their counsels and forces in common efforts against the French and their Indian allies. If the later settlements of New Jersey and Pennsylvania were exempted in some degree from the discipline of those hardships and difficulties with which the commencement of all the other settlements was attended, they were peopled chiefly by a class of religious professors whose habits and manners are peculiarly favorable to industry and good morals, and congenial to the spirit of republican institutions. The Quakers, indeed, have been much more successful in leavening American society with manners favorable to liberty than with principles allied to their own political doctrines.

To England the acquisition of these colonial settlements was highly advantageous. They enlarged her trade and revenues ; they afforded a boundless field in which her needy and superfluous children might improve their condition and dissipate their discontent ; and, finally, they created for her a new nation of friends interested in her happiness and renown, and of customers whose growing wants and wealth stimulated and rewarded the manufacturing industry of her domestic population. Every British emigrant to North America, by his secession from his native country, contributed to extend the imitation of her manners, the popularity of her literature, and the prevalence of her language,<sup>2</sup> character, and institutions ; and the British shoot, that with so much elaborate virtue was grafted on America, will reflect glory on the parent stem, when Britain herself may *sleep under the shade of a mighty name*. It was the calculation of Sir Josiah Child, that every colonist, by the produce of his labor in the plantations, furnished employment

<sup>1</sup> See *Judges*, iii. 1, 2.

<sup>2</sup> "Our solid and increasing establishments in America, where we need little dread the inundation of barbarians, promise a superior stability and duration to the English language." Hume to Gibbon, 1767.



and maintenance to four persons in the mother country. All the nations of Europe derived advantage from the formation of the American settlements, which disburdened their territories of great numbers of men, whom the pressure of poverty aggravated by defective civil institutions, and an aversion to the systems of their national churches inflamed by ecclesiastical intolerance, must have rendered either martyrs or rebels in their native land. The emigration from the continent of Europe, and especially from Germany, to America, during the greater part of the eighteenth century, was much more copious than the emigration from England. To the colonists the subsistence of their peculiar connection with England was likewise attended with considerable advantage. The acknowledged sovereignty and implied protection of England deterred all other European powers who were not at war with her from molesting them; while their chartered or traditionary constitution opposed (after the British Revolution) a barrier to gross and open encroachments of the parent state herself on the provincial rights and liberties. As their own strength and resources increased, the benefit of England's protection was proportionally diminished, while the inconvenience of her commercial restrictions, and of participation in her military policy, was more sensibly experienced.

A remarkable variety and indistinctness of opinion prevailed, both in Britain and America, respecting the precise nature and import of the political relation that united the two countries. It was at first the maxim of the court, that the crown was the only member of the British constitution which possessed jurisdiction over the colonies.<sup>1</sup> All the charters were framed in conformity with this view, except the charter of Pennsylvania. The colonists were by no means uniform in the sentiments they expressed on this subject. They all condemned the unjust power usurped over them by the British parliament, when the Navigation Laws were passed; and openly asserted, on vari-

<sup>1</sup> A bill having been introduced into the House of Commons, in the reign of James the First, for regulating the American fisheries, Sir George Calvert, secretary of state, conveyed to the House the following intimation from the king:—"America is not annexed to the realm, nor within the jurisdiction of parliament; you have, therefore, no right to interfere." *Colonial Tracts in Harvard Library*, apud Holmes.

ous occasions, that an act of the British parliament was not obligatory, by its own mere intrinsic efficacy, on America. Yet, in many instances, they scrupled not to complain of their incidental grievances to the houses of parliament, and to invoke the interposition of parliamentary authority in their behalf. The New England States alone perceived from the first the advantage they might one day derive from adhering to the maxim, that they were politically connected only with the king, and not at all with the parliament; and with singular prudence forbore to solicit favors even from a parliament by which they were regarded with especial good-will, lest they should seem to sanction parliamentary interference in their concerns. When the parliament enjoyed only an accidental existence, and was frequently, indeed generally, opposed to the court, the English monarchs resolutely maintained their exclusive jurisdiction over the colonies. When the parliament acquired greater power and stability, it compelled both the court and the colonies to acknowledge its supreme legislative jurisdiction. The colonists murmured against the trade laws; they frequently evaded those obnoxious regulations; and many persons still maintained that the parliament had no right to impose them. This opinion continued to prevail,<sup>1</sup> and would have been more generally and openly asserted, if the colonists had been less overawed by the power of England, or had received encouragement from the crown. But the English ministers were now always (by a necessity of the constitution) possessed of a commanding majority in parliament, and found it easier and safer to act through the instrumentality of this organ, than through a prerogative employed on a variety of distant provincial assemblies. The Revolution of 1688 established firmly the supreme authority of the parliament, and consequently the submission of America to its legislative control. No taxation of the colonies was *practically attempted* by the parliament, except what arose from the regulation of commerce; but an abstract right of indefinite taxation was repeatedly proclaimed, and a power was assumed to alter the American charters, or at least to modify the constitutions which these charters had created. There

<sup>1</sup> See the statement of Colonel Nicholson, cited in Note XIV., at the end of the volume.

was one point, indeed, in which the relation of the colonies to the royal prerogative appeared still to be acknowledged. It was not to the House of Lords, or to any of the ordinary tribunals of England; that appeals were preferred from the judgments of American courts, but to the king in council; and it was the same organ that enjoyed the privilege of modifying and rescinding the provincial laws which were deemed repugnant to English jurisprudence.<sup>1</sup>

Yielding not to conviction, but to necessity, overawed by the strength of Britain, and embarrassed by the dangerous vicinity of the French in Canada, the colonists submitted to the power of parliament, and rendered to it even that degree of voluntary acknowledgment which may be inferred from numerous petitions for the redress of grievances.<sup>2</sup> Yet the submission actually obtained was yielded with undisguised reluctance; and the pretensions, in conformity with which that submission might be still farther extended, were regarded with the most jealous apprehension. So early as the year 1696, a pamphlet was published in England, recommending the parliamentary imposition of a domestic tax on one of the colonies. This suggestion was instantly and vigorously impugned by two responsory pamphlets, in which the right of taxing the colonies was expressly denied to a parliament in which they were not represented.<sup>3</sup>

There were various particulars in the supremacy exercised and the policy pursued by the parent state, that were offensive

<sup>1</sup> Lord Mansfield repeatedly pronounced that it was within the competency of the English Court of King's Bench to send a writ of *habeas corpus* into America; but he remarked that this was a power which could rarely, if ever, be exercised with propriety. Stokes on the *Constitution of the British Colonies*.

<sup>2</sup> When they became more wealthy and powerful, and found that the parliament was projecting to usurp their domestic taxation, they refrained from sending petitions to it, and presented them only to the king; — see Franklin's *Works*; — and at length boldly revived the ancient maxim, "that the king, and not the king, lords, and commons collectively, is their sovereign; and that the king, with their respective assemblies, is their only legislator." *Ibid.* Thus the Americans, in contending for their independence, finally took their stand on a principle originally introduced by despotic princes, and intended to secure the subjection of the colonies to arbitrary government and royal prerogative.

<sup>3</sup> Gordon's *History of the United States*. "The pamphlets against taxation," said Lord Camden, in his speech in the House of Lords, April, 1766, "were much read, and no answer was given to them, no censure passed upon them; nor were men startled at the doctrine." *Ibid.*



to the colonists, and regarded by them as humiliating badges of dependence. The royal prerogative exerted in the nomination of certain of the provincial governors not only created discontent in the provinces which were thus debarred from a privilege enjoyed by the inhabitants of the other States, but excited in those others a continual apprehension of being levelled in this respect with the condition of their neighbours. The manner, too, in which this royal prerogative was frequently administered, tended to render it additionally disagreeable. It was no less the interest than the duty of the parent state, that the provincial viceroys whom she appointed should be men whose talents and characters were fitted to communicate impressions of the dignity of her supreme dominion and the benevolence of her superintending care. Yet the general practice of the English ministers was to commit the royal governments to needy dependents, whose chief aim was to repair a shattered fortune, and to recommend themselves to their patrons by a headlong zeal for the assertion of every real or pretended prerogative of the crown.<sup>1</sup> In thus partially straining and illiberally exerting her power, the parent state pursued towards the colonies a policy at once unjust, offensive, and inefficient. It would perhaps have been more politic to have usurped the appointment of all the provincial governors, and to have bestowed these offices on men of splendid rank and fortune, salaried by the crown, and capable of maintaining in the provinces the appearance of a court.

The transportation of felons to America was also a practice of the British government, which the lapse of time and the multiplication of negro slaves rendered increasingly offensive to the colonists. We have seen the assembly of Maryland, as early as the year 1676, endeavour to obstruct the stream of vicious and perilous example which was thus directed by the parent state among the laboring classes of her colonial subjects. The assembly of Pennsylvania made an attempt to discourage the importation of convicts into its territory by imposing a duty

<sup>1</sup> Sir William Keith's *History of Virginia*. Williamson's *North Carolina*. We have already seen abundant confirmation of the testimony of these writers in the histories of Virginia, New York, and New Jersey. See the observations on the general effect of the English Revolution on the American colonies, at the close of the history of Virginia, Book I., Chap. III., *ante*.

of five pounds on every convict that should be imported. But it was not till a later period that the practice excited general disapprobation in America. So pressing in most places was the demand for laborers, that their moral character, and the terms on which they were obtained, were considerations to which the planters had not leisure to attend. Nay, in some instances, felons were not the only involuntary emigrants from England whose labor they appropriated. It became at one time a common practice for captains of vessels to entice ignorant persons, by flattering promises of wealth and preferment, to accompany them to America, where they had no sooner arrived than they were sold as bondsmen, to defray the cost of their passage and entertainment. So early as the year 1686, an order of council<sup>1</sup> was issued for the prevention of this practice. In process of time, all the provincial governments, and all the wealthy inhabitants of the provinces (especially of those in which negro slaves were most numerous), united in petitioning the British government to discontinue the practice of sending felons to America;<sup>2</sup> but their complaints of this evil, as well as of the continued importation of additional negro slaves, were entirely disregarded. "Very early," says an American writer, "it had been the fashion to suppose, that the colonists, by emigrating, had lost a portion of their dignity, and that at best they should be regarded only as an inferior order of Englishmen, whose duty it was to labor for the glory and advancement of the nation."<sup>3</sup> One consequence that resulted from this arbitrary and degrading treatment was the existence of gross ignorance or illiberal prejudice with regard to the social condition of North America, in the minds of all

<sup>1</sup> This document is preserved in the British Museum. The system of inveigling and kidnapping was not confined to England. It was carried on to a great extent in Suabia and other German cantons by Dutch factors, whom Raynal asserts to have been hired by the British government. But that this charge was unjust in some instances, and probably in all, may be collected from a curious and interesting article in the *Annual Register* for 1764.

Young persons of blighted reputation or feeble understanding were sometimes conveyed by their friends to the American plantations, in order to bury memorials of family disgrace. Benjamin, the eldest son of the poet Waller, appearing deficient in capacity, was disinherited by his father and sent to New Jersey. Johnson's *Life of Waller*.

<sup>2</sup> An American patriot humorously proposed that a reciprocal transportation of American rattlesnakes to England should in equity be indulged to the colonists. Franklin's *Memoirs*.

<sup>3</sup> Burk's *History of Virginia*.

classes of people in England.<sup>1</sup> Though persons connected with the colonies, by commerce or otherwise, might entertain juster notions of their condition, it is certain that till a very late period these territories were commonly regarded in England as wild, inhospitable deserts, infested by savages and beasts of prey, and cultivated only by criminals or by enslaved negroes and kidnapped Europeans. Though Bishop Berkeley prophesied a destiny of unequalled glory to this region, in his *Verses on the Prospect of planting Arts and Literature in America*, and though Thomson celebrated the happiness of the colonies, and their instrumentalness to the grandeur of the British empire,<sup>2</sup> the encomiastic strains of these writers were more than counterbalanced by the sarcastic and opprobrious imputations which were circulated by other and more popular authors.<sup>3</sup> The conquest of Louisburg from the French, in

<sup>1</sup> Preface to Smith's *New York*. See Note XX., at the end of the volume.

<sup>2</sup> "Lo! swarming o'er the new-discovered world  
Gay colonies extend; the calm retreat  
Of undeserved distress. . . .  
. . . Bound by social freedom, firm they rise;  
Of Britain's empire the support and strength." — Thomson.

<sup>3</sup> Smollett alludes to the colonies of North America in the following strain: — "*The galleys of France abound with abbés; and many templars may be found in our American plantations.*" *Count Fathom*. Among the bad company assembled at Bath, the same writer enumerates "planters, negro drivers, and hucksters from our American plantations." *Humphrey Clinker*. "Our people," he adds, "have a strange itch to colonize America, when the uncultivated parts of our own island might be settled to greater advantage." *Ibid*. Fielding sends his hero, *Jonathan Wild*, to fortify his vice and villany in Virginia; and, in various other allusions to the colonies, always represents them as the suitable refuge of *deserved distress*. In Reed's farce, *The Register Office*, a miserable Irishman is exhibited as on the point of being trepanned to America, to be there sold as a slave. A similar scene is depicted in Goldsmith's *Vicar of Wakefield*, where an unfortunate man of letters is nearly kidnapped by an insidious offer of being appointed "Secretary to an embassy from the Synod of Pennsylvania to the Chickasaw Indians." Even in this author's poem, *The Traveller*, where the expulsion of an English peasant and his family from their home is represented as an ordinary consequence of the pride and luxury of English landlords, the exiles are supposed to find a tenfold addition to their woes in North America. Nay, this strain seems not yet to have ceased; and the grief of "heart-sick exiles" in America has been deplored by Sir Walter Scott in the nineteenth century. Alluding to the wild, melancholy song of Scottish Highlanders, this great bard observes, —

"I thought how sad would be that sound  
On Susquehannah's swampy ground,  
Kentucky's wood-encumbered brake,  
And wild Ontario's boundless lake,  
Where heart-sick exiles in the strain  
Recalled fair Scotland's hills again." — *Marmion*.

Since the time when Waller and Marvell eulogized the tranquil retreat of



1745,—an enterprise originally projected by the genius, and mainly accomplished by the vigor, of the government of Massachusetts,—was the circumstance that first prepared the people of England to receive more just impressions of the dignity and importance of the American provinces.

But no particular of the treatment which the colonists experienced from England, during the early part of their connection with her, was so generally offensive to them as the restrictions she imposed upon their trade and industry. This system not only disgusted them by its injustice, but seems in some instances to have perverted their sentiments and infected their counsels with a corresponding strain of selfish illiberality. In some of the commercial ordinances that were framed by the colonists, we may discern the reflection of that narrow and grasping spirit that pervaded the policy of the parent state,—a defensive or vindictive reaction of the illiberal principles to whose operation they were themselves exposed. An act of the assembly of Virginia, in 1680, imposed a duty on all tobacco exported from, and on all emigrants imported into, the colony in vessels not belonging to Virginian owners. By an ordinance of Massachusetts, a tonnage duty was imposed on all ships casting anchor in any port within its jurisdiction, excepting vessels owned by inhabitants of the State. A similar duty was imposed by the assembly of Rhode Island, in the year 1704, on all vessels not wholly owned by inhabitants of this colony. In 1709, the legislature of New York imposed a tonnage duty on every vessel of which one half did not belong to citizens of this State. By a law of Maryland, in 1715, the duties imposed on the importation of negroes, servants, and liquors were declared not to extend to cargoes imported in vessels whose owners were all residents in the colony. The legislature of the same province had eleven years before prohibited the collection of debts due to English bankrupts, till

Bermudas, I am not aware that any other British poets but Thomson, Mrs. Barbauld, Campbell, and Lord Byron, have celebrated the happy scenes and circumstances of American life. There is more of pathos than of animation in the strain in which my revered and amiable kinsman, the late author of *The Sabbath*, has, in that delightful poem, depicted the feelings of Scottish settlers in America. Emigrants may entertain, not properly a regretful, but a fond, and even melancholy, remembrance of their native land, amid circumstances far happier than that land could afford them.

security were given that the claims of provincial creditors on the bankrupt's estate should first be wholly discharged.<sup>1</sup> Even the Pennsylvanians, who in this respect professed a more liberal consideration of the claims of foreign creditors than any of the other provincial communities, enacted a law for securing priority of payment from the estates of bankrupts to the inhabitants of their own province. Among other apologies for this policy with regard to the recovery of debts (which obtained a general prevalence throughout the colonies), it has been urged, with unquestioned and perhaps unquestionable accuracy, that the planters were commonly treated with great illiberality by the merchants to whom they consigned their produce in England, — who took advantage of their necessities, while the sales of provincial produce were in suspense, to lend them money at exorbitant interest, and on the security of their mortgaged plantations.<sup>2</sup> Almost all the American planters and merchants were continually in debt to their English correspondents ; and so partial was the parent state to their interests, that in the year 1758 she prohibited the province of Massachusetts from adopting the bankrupt law of England, lest its operation should be perverted to the injury of English creditors of American debtors. In 1701, the assembly of South Carolina imposed a duty of three farthings a skin on hides exported by the colonists in their own ships, but double this amount if the exports were loaded in English vessels,<sup>3</sup> — a distinction against which the English Commissioners of Plantations remonstrated, as an unjust discouragement of the commerce of England.<sup>4</sup> The Virginian act of 1680 had provoked similar remonstrances from the same quarter, and made the

<sup>1</sup> In the history of Maryland we have already seen the first instance of a law disabling all settlers from enjoying provincial offices till by residence for a term of years they might be supposed to have contracted provincial habits, views, and notions.

<sup>2</sup> See Note XX., at the end of the volume.

<sup>3</sup> In the year 1718, an act of the assembly of South Carolina imposed a heavy duty on all British manufactures imported into this province. Similar acts were passed at the same time by the legislatures of Massachusetts and New York. They were all repealed by command of George the First. Hewitt. Hutchinson. Smith's *New York*.

<sup>4</sup> *Abridgment of the Laws of Virginia. New England Ordinances Abridged. Laws of Rhode Island. Laws of New York. Laws of Maryland. Oldmixon. Chalmers.*

British nation feel that to practise injustice is to teach a lesson that often returns to plague the inventor.

In the year 1696, King William erected a new and standing council at London, of which the members were entitled the Lords Commissioners for Trade and Plantations. The governors of all the American provinces were required to maintain correspondence with this board, and to transmit to it the journals of their councils and assemblies, the accounts of the collectors of customs, and similar documents and articles of official intelligence. This requisition was obeyed by the governors who derived their functions from royal appointment, but met with very little attention in those colonies of which the governors were appointed by the people. In the year 1714, the attorney-general of England (Northey) acquainted the English ministers that it was not in their power to punish such neglect, and advised them to apply to parliament for an act commanding all the colonies to submit their laws to royal revision. His recommendation, however, was not adopted; and a report of the Lords Commissioners, in the year 1733, announces that "Rhode Island and Connecticut, being charter governments, hold little or no correspondence with our office, and we are very little informed of what is doing in these governments; they not being under any obligation to return authentic copies of their laws to the crown for its sanction or disallowance, or to give any account of their proceedings."<sup>1</sup>

There was a considerable variety in the civil and political constitutions of the several provinces at the commencement of the eighteenth century. In Maryland and Pennsylvania, the property of the soil and the administration of the executive power belonged to one or more proprietaries. This was also the situation of the Carolinas and New Jersey, till the surrender of their proprietary jurisdictions; when the soil belonged to the proprietaries, and the executive power to the crown. In Massachusetts, the property of the soil was vested in the

<sup>1</sup> Anderson's *Historical and Chronological Deduction of the Origin of Commerce*. Chalmers. As a remedy for the defective correspondence which was anticipated between the colonies and the Board of Trade, an act of parliament was passed in 1696, declaring (in conformity with the colonial charters), "that all by-laws, usages, and customs, which shall be in practice in any of the plantations, repugnant to any law made in the kingdom relative to the said plantations, shall be void and of no effect."



people and their representatives, and the executive power was exercised by the crown. In Virginia and New York, both the soil and the executive authority belonged to the crown. In Connecticut and Rhode Island, both the soil and every function of government were vested in the corporation of the freemen of the colony. These distinctions promoted frequent disputes respecting boundaries, in which the crown was supposed, and not without reason, to favor the claims of those States wherein its prerogative was greatest and the quit-rents enlarged the royal revenue. But they exercised a more beneficial influence upon the colonists, in prompting them to canvass and discuss the merits of those systems of municipal authority, of which so great a variety was presented to their view, — and thus promoting among them a constant and animating circulation of political sentiment and opinion. All the provinces were nearly on the same footing in respect of the structure of that important organ of liberty, their representative assemblies.

No encouragement was ever afforded by the British government to the cultivation of science or literature in the American provinces, except in the solitary instance of a donation by William and Mary, in aid of the college which took its name from them in Virginia.<sup>1</sup> The policy of the parent state in this respect was thus delineated by one of the royal governors, in the beginning of the eighteenth century: — “As to the college erected in Virginia, and other designs of the like nature which have been proposed for the encouragement of learning, it is only to be observed in general, that, although great advantages may accrue to the mother state both from the labor and luxury of its plantations, yet they will probably be mistaken, who imagine that the advancement of literature and the improvement of arts and sciences in our American colonies can be of any service to the British state.”<sup>2</sup> We

<sup>1</sup> Dartmouth College, in New Hampshire, which was founded in the year 1769, received, indeed, some patronage from the British monarch, George the Third. But the object of royal patronage, on this occasion, was not the improvement of the colonists, but the instruction of the Indians.

<sup>2</sup> Sir William Keith's *History of Virginia*. I have termed Keith a royal governor. He was, it is true, the governor of a proprietary settlement, Pennsylvania. But the appointment of all these governors was now controlled by the necessity of royal approbation; and Keith's nomination, in consequence

have already beheld the instructions that were communicated to the royal governors by the British court, both prior and subsequent to the Revolution of 1688, to restrain the exercise of printing within their jurisdictions. Many laws were framed in New England, after that event, for enlarging the literary privileges and honors of Harvard College ; but they were all abolished by the British government.<sup>1</sup>

The first printing-press employed in North America was established in Massachusetts, in the year 1638. It was not till half a century later that printing commenced in any other part of British America. In 1686, a printing-press was established in Pennsylvania ; in 1693, at New York ; in 1709, in Connecticut ; in 1726, in Maryland ; in 1729, in Virginia ; and in 1730, in South Carolina. Previous to the year 1740, more printing was performed in Massachusetts than in all the other colonies together. From 1760 till the commencement of the Revolutionary War, the quantities of printing executed in Boston and Philadelphia were nearly the same. The first North American newspaper was published at Boston, by Campbell, a Scotchman, the provincial postmaster, in 1704. The second made its appearance in the same city in 1719 ; and in the same year, the third was published in Philadelphia. In 1725, New York, for the first time, published a newspaper ; in 1732, Rhode Island obtained the same advantage ; and after this period similar journals were gradually introduced into the other colonies.<sup>2</sup>

The press, in America, was nowhere entirely free from legal restraint till about the year 1755. In 1723, James Franklin (brother of Dr. Benjamin Franklin) was prohibited by the governor and council of Massachusetts from publishing *The New England Courant*, without previously submitting its contents to the revision of the secretary of the province ; and in 1754, one Fowle was imprisoned by the House of Assembly of the same province, *on suspicion* of having printed a pam-

of William Penn's mental incapacity at the time, proceeded altogether from the crown.

<sup>1</sup> Holmes.

<sup>2</sup> John Dunton, in the prospectus of the journal which he began to publish at London in 1696, states that there were then but eight newspapers published in England. None were published in Scotland till after the accession of William and Mary.

phlet containing censorious reflections on some members of the government. After the year 1730, there was no officer appointed in Massachusetts to exercise a particular control over the press; but, prior to that period, the *imprimatur* of a licenser was inscribed on many of the New England publications. The first postoffice created by British authority in North America was established by act of parliament in the year 1710.<sup>1</sup>

A country where labor was so dear, and proprietors of land were so numerous, as in North America, might, not unreasonably, be supposed peculiarly favorable to the growth of a skilful and economical system of husbandry. While the dearth of labor restrained expensive cultivation, the general diffusion of the ownership of land enhanced and multiplied incitements to industry and improvement. But the influence of these causes was counteracted by the cheapness and abundance of land, and the vast forests with which the whole country was overgrown. Every man possessed land enough to afford him a sufficient subsistence by the simplest and coarsest agricultural process; and a great deal of industry was absorbed in the operation of disencumbering the ground of wood. Rotation of crops and the art of manuring obtained little regard from farmers whom the woodman's axe supplied with continual accessions of fresh and fertile soil to replace the portions that had been fatigued by culture. Although every one of the settlements already possessed numerous substantial edifices of brick and stone, yet, from the dearth of labor and the abundance of wood, the greater number of dwellinghouses were everywhere constructed of this material, — a practice which was prolonged till a very late period by the erroneous notion that wooden houses contributed a better defence than stone buildings against the humidity of the atmosphere.<sup>2</sup>

In every state of society we may discern the operation of a levelling principle which restricts or counteracts the beneficial influence of favorable circumstances, and mitigates or counter-

<sup>1</sup> Isaiah Thomas's *History of Printing in America*. Holmes. *Collections of the Massachusetts Historical Society*.

<sup>2</sup> Jefferson was the first who attempted to combat this error of his countrymen, in his *Notes on Virginia*. In 1692, the legislature of Massachusetts enacted, that no building, exceeding certain dimensions, should be erected in Boston, but of stone or brick, and covered with slate or tile. Holmes.



vails the pressure of circumstances unfavorable to human happiness and prosperity. Density of population and the convergence of wealth and authority in a few hands promote the division, the neatness, and the mechanical perfection of labor. Where wealth and population, on the contrary, are dispersed, and equality of rights prevails, the dearness of labor and the scarcity and independence of laborers obstruct the division of employments ; every man is constrained to dispense as far as possible with hired service, and, doing almost every thing for himself, to do much in a coarse and inferior style. The mechanical workmanship is less perfect ; but a superior development of intelligence characterizes the workman. In old and crowded societies, where aristocratical institutions prevail, hired labor produces the most elegant commodities, the finest and amplest provision of conveniences to the employers of the laboring classes ; in thinly peopled and improving communities, devoid of aristocratical institutions, it produces most advantage to the laborers themselves ; and of course in the latter, the general destination of mankind to labor is a circumstance more propitious to human happiness than in the former. But in crowded and aristocratical states, the elegance which the wealthy and privileged classes are enabled to enjoy, from their own leisure and the cheapness and perfection of hired labor, descends by imitation to the laborers themselves, and tends to refine the accommodations of their comparatively meagre estate ; while in communities thinly peopled and unacquainted with aristocratical distinctions, the rich have less leisure for the cultivation of refinement, and the poor are strangers to that dependence which begets imitation. Where labor is cheap, and laborers are consequently much dependent on their employers, only neatness and economy can enable them to enjoy comfort ; social progression is slow ; the laborer is more likely to succeed in embellishing his actual condition than in rising beyond it ; and refinement of habits and manners, aided by the strong influence of imitation, is generally proportioned to advancement of condition. Where labor is dear, and dependence and aristocratical distinctions are unknown, a great deal of coarse comfort may consist with neglect of neatness and economy ; the very richness of the rewards of labor supplies a

strong temptation to indolence and sensuality, which frequently overpowers the attractive hope of advancement; and from the absence at once of models consecrated by public homage, and of a disciplined spirit of imitation, enlargement of estate is often greatly disproportioned to the polish and improvement of manners, tastes, and accommodations. Inelegant ease and slovenly plenty are said to have characterized the manners and circumstances of a considerable portion of the colonists of North America, and especially of the Middle and Southern States. This reproach has doubtless been exaggerated; and even those who must be esteemed its unexceptionable supporters have acknowledged the restriction which it derived from the influence of Puritan, Quaker, and latterly of Methodist and Moravian manners. The cultivation of the spirit and principles of Christianity is the most certain and the purest process that can be employed for the refinement of human tastes, manners, and habits. It is religion alone, which, teaching mankind duly to appreciate the dignity and felicity of their lot, preserves them from that worst of all evils, the abuse of blessings, causes the sentiment of liberty to impart elevation without arrogance, and the possession of wealth to refine without relaxing the springs of exertion.

America has owed to Europe not only a race of civilized men, but a breed of domestic animals. Oxen, horses, and sheep were introduced by the English, French, Dutch, and Swedes into their respective settlements. Bees were imported by the English. The Indians, who had never seen these insects before, gave them the name of *English flies*; and used to say to each other, when a swarm of bees appeared in the woods, "Brothers, it is time for us to decamp, for the white people are coming."<sup>1</sup>

Every one of the provinces beheld the Indian tribes, by which it was surrounded, melt away more or less rapidly under the influence of a civilized neighbourhood.<sup>2</sup> In none of the

<sup>1</sup> Kalin. Morse, *Art. Kentucky*. Oldmixon asserts (2d edit.) that America had neither rats nor mice till the arrival of the European vessels. In the year 1701, a few camels were imported into Virginia in certain vessels from Guinea; but the attempt to rear a breed of these animals in the colony proved unsuccessful. Oldmixon. Wynne.

<sup>2</sup> "So the red Indian, by Ontario's side,  
Nursed hardy on the brindled panther's hide,

provinces (with the exception, perhaps, of South Carolina) were wars undertaken against that unfortunate race for the sake of conquest ; yet none of the colonies whose history we have hitherto traced, except New Jersey and Pennsylvania, were able to avoid altogether a contest, of which the issue was always unfavorable to the Indians. Virginia was the only province of which the soil had been occupied without a previous purchase from the Indians ; and in South Carolina alone had the treatment which these savages experienced from an English provincial government been justly chargeable with defect of forbearance and humanity. The hostile aggressions of the Indians were provoked not only by their own jealousy of the rapid progress of the colonial settlements, but by injuries which they sustained from particular individuals among the colonists, and which their political maxims and habits taught them to avenge by reprisals against the whole community to which those individuals were reputed to belong. The back settlements of all the provinces, on account of their remoteness from the seats of justice, were naturally resorted to by the most worthless and disorderly classes of the emigrant population, — by fugitive felons and idle vagabonds, whose behaviour to their savage neighbours did not always coincide with the precepts of natural equity. Scorning to complain of such wrongs, and unaccustomed to a limited or discriminative revenge, the Indians were too frequently incited by those private quarrels to general hostilities, which invariably terminated in their own discomfiture and destruction. But the friendship of the colonists commonly proved no less fatal than their hostilities to the Indians. The taste for spirituous liquors, which they communicated, was indulged by the savages with an avidity that amounted to frenzy ; and the European diseases which they imported, both from peculiarities in the physical constitution of the Indians, and from the unskilful treatment occasioned by their in-

As fades his swarthy race, with anguish sees  
The white man's cottage rise beneath the trees.  
He leaves the shelter of his native wood,  
He leaves the murmur of Ohio's flood,  
And forward rushing, in indignant grief,  
Where never foot has trod the fallen leaf,  
He bends his course where twilight reigns sublime  
O'er forests silent since the birth of time."

Leyden.



experience of such maladies, were productive of a havoc among the tribes that far outstripped all the power of human hostility. A vitiated and debilitated habit of body spread through the people of every tribe in proportion to the closeness and duration of their intercourse with Europeans. The peculiar mortality which the small-pox occasioned among the Indians has been ascribed by some writers to their practice of anointing themselves with bear's grease, in order to repel the attacks of noxious insects in summer, and to exclude the extreme cold of winter, — which is supposed to have repressed the cutaneous eruption requisite to a favorable issue of the distemper. Guided, in this instance, by their own sensations, the Indians anticipated the Europeans in the use of the cold regimen in small-pox; and the mortality that the disorder produced among them was at first erroneously ascribed to this practice.<sup>1</sup> Even the acquired relish for superior comforts and finer luxuries, which might have been expected to lead the Indians to more civilized modes of life, was productive of an opposite effect, and tended to confirm them in savage pursuits; as those luxuries were now generally tendered to them in exchange for the peltry which they procured by hunting. Almost all the Indian tribes were engaged in wars with each other; and all were eager to obtain the new instruments of destruction which the superior science of the Europeans had created. Wielding this improved machinery of death with the same rage and fury that characterized their previous warfare with less efficacious weapons, their mutual hostilities were rendered additionally destructive by the communication of an invention, which, among civilized nations, has shortened the duration and diminished the carnage of war. But as the intercourse of mankind with each other must always be mutually beneficial or mutually injurious, the Europeans themselves incurred the most serious disadvantage from their association with the Indians. Besides the misery and desolation produced by the sanguinary hostilities of the savage tribes, the fraud, the vice, injustice, and hazard incident to the Indian trade depraved the manners and debased the disposition and character of almost all the colonists who

<sup>1</sup> Kalm.

engaged in it. Europe received the vilest of human diseases from America, and in return communicated the small-pox. How a civilized people may commingle with, or even inhabit the vicinity of, savage tribes, without mutual corruption and the declension and final extinction of the weaker race, is a problem which has hitherto eluded human solution.

At the close of the seventeenth century, the Indian tribes of New England could still muster ten thousand fighting men ;<sup>1</sup> those of New York, one thousand ; and those of Virginia, five hundred. There were six thousand Indians altogether in Pennsylvania ; four thousand in North Carolina ; probably as many in South Carolina ; three thousand in Maryland ; and only two hundred in New Jersey.<sup>2</sup>

The danger which the European colonists must have incurred, during the infancy of their settlements, from a coalition between their negro slaves and the Indians, was obviated by the violent dislike and antipathy which long prevailed between these two degenerate races. The gentle and effeminate Indians of South America were regarded from the first with scorn and disdain by the negro slaves of the Spaniards ; and the freer and hardier Indians of North America demonstrated the fiercest aversion and contempt for the negroes imported into the settlements of the English.<sup>3</sup>

<sup>1</sup> When Connecticut was first settled, there were computed to be twenty thousand Indians within its boundaries alone. Trumbull. In Gookin's *Historical Collections of the Indians in New England* some illustration is afforded of the rapid decline which these tribes sustained during the short interval between the settlement of the New England States and the year 1674. The Pequods were reduced from four thousand to three hundred warriors ; the Narragansets, from three thousand to one thousand ; the Pawtuckets, from three thousand to two hundred and fifty ; the Massachusetts (who have given their name to the principal State in New England), from three thousand to three hundred ; and the Pawkunnakuts, a tribe which had formerly numbered three thousand warriors, was almost entirely extinct. *Collections of the Massachusetts Historical Society.*

<sup>2</sup> Oldmixon. Warden. The most accurate, I believe, and certainly the most interesting, picture of Indian manners that exists in the English language is contained in that admirable production of learning and genius, Southey's *History of Brazil*. Much curious information respecting the history and language of the Indians has recently been given to the world in Albert Gallatin's *Synopsis of the Indian Tribes*, &c., published in the second volume of the *Transactions of the American Antiquarian Society*.

<sup>3</sup> Soon after the middle of the eighteenth century, intermarriages began to take place between the negroes and the declining remnant of the Indian communities in Massachusetts ; and "the mixed race increased in numbers, and improved in temperance and industry." *Collections of the Massachusetts Historical Society.* About thirty years after, the historian of the Moravian mis-

sions relates that "the negroes and Indians intermarry without any scruple." Loskiel. "As for the usurpation of territory from the natives by the American States," says one of the most distinguished organs of literary, moral, and political criticism in England, "he must be a feeble moralist who regards that as an evil; the same principle upon which that usurpation is condemned would lead to the nonsensical opinions of the Brahmins, that agriculture is an unrighteous employment, because worms must sometimes be cut by the ploughshare and the spade. It is the order of nature that beasts should give place to man, and among men the savage to the civilized; and nowhere has this order been carried into effect with so little violence as in North America. Sir Thomas More admits it to be a justifiable cause of war, even in Utopia, if a people, who have territory to spare, will not cede it to those who are in want of room." *Quarterly Review*. See *Wisdom of Solomon*, xii., 3, 7.



## NOTES.



# NOTES

TO

## THE SECOND VOLUME.

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### NOTE I. Page 49.

THE following may serve as a specimen of these articles of complaint, and of the answers they received. — "IV. As no laws can be repealed but by the assembly, it is desired to know if the proprietary intended to annul a clause in the act for bringing tobacco to towns?" *Answer.* "The proprietary does not intend to annul the clause mentioned, without an act of repeal." "V. The attorney-general oppresses the people." *Answer.* "If such proceedings have been practised, the law is open against the offender, who is not countenanced by government." "VI. Certain persons, under a pretended authority from some militia officers, have pressed provisions in time of peace." *Answer.* "We know of no such offenders; but, when informed of them, we shall proceed against them according to law and matter of fact." "VII. The late adjournment of the provincial court to the last Tuesday in January is a time most incommodious to the people." *Answer.* "At the request of the lower house, they will adjourn the provincial court by proclamation." Chalmers. Why Chalmers, who is generally displeased even with the most reasonable and moderate friends of American liberty, should term this ebullition of ill-temper and nonsense "a spirited representation of grievances," I am at a loss to discover. But perhaps no other writer has ever combined such elaborate research of facts with such temerity of opinion and such glaring inconsistency of sentiment, as the *Political Annals* of this writer display. The inhabitants of America, though little beholden to his respect for their rights or their character, owe the most important elucidation of their history to his industrious researches. Some of the particulars of his own early history may perhaps account for the peculiarities of his American politics. A Scotsman by birth, he had emigrated to Maryland, and was settled at Baltimore as a lawyer, when the Revolutionary contest (in which



he adhered to the royal cause) blasted all his prospects, and compelled him to take refuge in England, where his unfortunate loyalty and distinguished attainments procured him a respectable appointment from the Board of Trade. The first (and only) volume of his *Annals*, a work intended to be the apology of his party, was composed while he hoped that the royal cause would yet prevail in America. Though too honorable wilfully to misrepresent facts, his mind was too much warped by prejudice to regard and appreciate them fairly. His labors were discontinued when the cause and party to which they were devoted had evidently perished. Though a strong vein of Toryism pervades all his pages, he is at times unable to restrain an expression of indignant contempt at particular instances of the conduct of the kings and ministers whose general policy he labors to vindicate.

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NOTE II. Page 83.

THAT a gift will blind the discernment even of the wise, and pervert the words even of the just, is an assurance conveyed to us by unerring wisdom, and confirmed by examples among which even the name of Locke must be enrolled. If no gift could be more seducing than the deference and admiration with which Shaftesbury graced his other bounties to Locke, no blindness could well be greater than that which veiled the eyes and perverted the sentiments of the philosopher with respect to the conduct and character of his patron. In his memoirs of this profligate politician, not less fickle in his friendships than furious in his enmities, and who alternately inflamed and betrayed every faction in the state, Locke holds him up as a mirror of worth and patriotism; declaring, that, in a mild yet resolute constancy, he was equalled by few and exceeded by none; and that, while liberty endures, his glory will mock the assaults of envy and the ravages of time. While Locke reprobates the selfish ambition and elaborate fraud and duplicity with which Monk endeavoured to the last to obtain for himself the vacant dignity of Cromwell, he is totally insensible to any other feature than the *ability* of the more successful manœuvres by which Shaftesbury outwitted the less dexterous knave, and at length forced him to concur in promoting the Restoration. Locke has vaunted the profound sagacity with which Shaftesbury could penetrate the character and acquire a mastery over the talents and understanding of every person he conversed with. For his own vindication, it is necessary to regard himself in this performance as exemplifying the influence which he has ascribed to the object of his panegyric. When occasion required it, Shaftesbury could assume a virtue to which his talent lent a degree of efficacy that commanded universal admiration. When he was appointed to preside in the Court of Chancery, he was unacquaint-

ed with law, and had grown gray in the practice of fraud and intrigue. Yet, in the discharge of the functions of this office, he is acknowledged to have combined the genius of Bacon with the integrity of More; and the satisfaction that was derived from the legal soundness of his decrees was surpassed only by the respect that was entertained for the lofty impartiality of his judicial conduct. It seems, indeed, surprising that the two most ambitious politicians that have ever appeared in Great Britain, Wolsey and Shaftesbury, should have distinguished themselves so highly by the probity and wisdom with which they administered the functions of judges in a court of equity.

Among other marks of confidence bestowed by Shaftesbury on Locke, he employed him to choose a wife for his son, whose early marriage he anxiously desired; as the feebleness of the young man's constitution gave him cause to apprehend the extinction of his family. Locke, undismayed by the nice and numerous requisites which Shaftesbury directed him to combine in the object of his choice, fulfilled this delicate duty to his patron's satisfaction; and afterwards accepted the office of tutor to the eldest male offspring of the marriage, who signalized himself as the author of the *Characteristics*. (*Life of Locke*, prefixed to the folio edition of his *Works*).

Shaftesbury was able to infect Locke with all his own real or pretended suspicions of the Catholics; and, even when the philosopher could not refrain from censuring the severity and intolerance of the Protestants, he expressed his regret that they should be found capable of "such popish practices." Not less unjust and absurd was Lord Russell's declaration, that massacring men in cool blood was so like a practice of the Papists, that he could not but abhor it; and Sir Edward Coke's remark, that poisoning was a *popish trick*. When Locke undertook to legislate for Carolina, he produced ecclesiastical constitutions not more, and political regulations far less, favorable to human liberty and happiness, than those which had been previously established by a Catholic legislator in Maryland.

Mr. Fox is much puzzled to account for Locke's friendship with Shaftesbury, and has attempted it very unsuccessfully.

It is strange that we should be obliged to prefer the testimony of an unprincipled satirist to that of an upright philosopher. Yet Dryden's character of *Achitophel* is undoubtedly the justest and most masterly representation of Shaftesbury that has ever been produced by friend or foe. So much more powerful is affection than enmity in deluding the fancy and seducing the judgment!

## NOTE III. Page 164.

FOUNDERS of ancient colonies have sometimes been deified by their successors. New York is perhaps the only commonwealth whose founders have been assailed with ridicule from the same quarter. It is impossible to read the ingenious and diverting romance entitled *Knickerbocker's History of New York*, without wishing that the author had put either a little more or a little less truth into it; and that his talent for humor and sarcasm had found another subject than the dangers, hardships, and virtues of the ancestors of his national family. It must be unfavorable to patriotism to connect historical recollections with ludicrous associations: but the genius of Mr. Irving has done this so effectually, that it is difficult for his readers to behold the names of Wouter Van Twiller, of Corlear, and of Peter Stuyvesant, without a smile; or to see the free and happy colonists of New York enslaved by the forces of a despot, without a sense of ridicule that abates the resentment which injustice should excite, and the sympathy which is due to misfortune. Yet Stuyvesant was a gallant and generous man; and Corlear softened the miseries of war and mitigated human enmity and suffering by his benevolence. Stuyvesant appears (see Miller's *Retrospect of the Eighteenth Century*) to have possessed an additional claim on the courtesy of a man of letters, derived from the respectability of his own attainments in literature. If Mr. Irving had confined his ridicule to the wars, or rather bloodless buffetings and squabbles, of the Dutch and the Swedes, his readers would have derived more unproved enjoyment from his performance. Probably my discernment of the unsuitableness of this writer's mirth is quickened by a sense of personal wrong; as I cannot help feeling that he has by anticipation ridiculed my topic and parodied my narrative. If Sancho Panza had been a real governor, misrepresented by the prior wit of Cervantes, his posterior historian would have found it no easy matter to bespeak a grave attention to the annals of his administration.

## NOTE IV. Page 198.

THE charitable attempt of Chalmers to vindicate the character of this man, impeached and detested, not by one, but by every province over which he exercised the functions of government previous to the British Revolution, is totally unsuccessful. The main topic of apology is, that Andros merely executed the orders of his master, and sometimes ineffectually recommended more humane and liberal measures; an apology which might be (as in fact it was) equally pleaded to justify the atrocities of Kirke and Jeffries



in England, and of Graham of Claverhouse and Sir James Turner in Scotland. It is an apology that may sometimes exempt from punishment, but can never redeem honor, or avert reproach. When Turner was taken prisoner by the persecuted Scottish peasantry in Dumfriesshire, they were proceeding to put him to death for his cruelty; but observing, from the written instructions found on his person, that he had actually fallen short of the severity which he was desired to inflict, these generous men arrested their uplifted hands, and dismissed him with impunity, but not without abhorrence. That Andros seems (from some counsel which he privately tendered to his royal patron) to have been willing at times to alleviate the burdens of the people only renders him the more culpable for his active subservience to a contrary policy, the mischief and odium of which he plainly discerned. It has been urged, with some color of probability, that the unanimous dislike which he provoked in New England inferred less of reproach to his personal character, than of repugnance between the previous habits of the people and the structure of that arbitrary system which he was appointed to administer among them. But the detestation he excited in New York, where the people were habituated to arbitrary government, admits not of this apologetical suggestion; which, even with regard to New England, is very slightly applicable, if admissible at all. James the Second displayed a sagacity that approached to instinct, in the employment of fit instruments to execute injustice and cruelty; and his steady patronage of Andros, and constant preference of his to any other instrumentality in the subjugation of colonial liberty, is the strongest certificate that could be given of the aptness of this officer's disposition for the employment for which he was selected. His friend and colleague, Randolph, boasted, that, in New England, Andros was as arbitrary as the Great Turk.

After the British Revolution, Andros conducted himself irreproachably as governor of Virginia. But William and Mary had not intrusted him with tyrannical power in this province; and the Virginians would not have permitted him to exercise it. His appointment to this situation, however, was an insult to the American colonies, and an illiberal measure of King William, who assuredly was not a friend (as, indeed, what monarch ever was?) to liberty, either in America or anywhere else.

Andros died at London in 1715, at a very advanced age.

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NOTE V. Page 242.

THIS Jesuit accompanied the French commissioners who repaired to the head-quarters of the Five Nations to treat for peace. When the commissioners approached the Indian station, they were

met by a sachem who presented them with three separate gifts (strings of wampum); the first, to wipe away their tears for the French that had been slain; the second, to open their mouths that they might speak freely; and the third, to clean the mat on which they were to sit, while treating of peace, from the blood that had been spilt on both sides. The Jesuit, who acted as the orator of the embassy, endeavoured to pay court to the Indians by imitation of their style of speech. "The war-kettle," said he, "boiled so long, that it would have scalded all the Five Nations, had it continued; but now it is upset and turned upside down, and a firm peace made." He recommended to them the preservation of amity with *Corlear* (the Indian title of the governor of New York); and having thus attempted to disarm their suspicions, uttered many injurious insinuations against this ally. "I offer myself to you," he continued, "to live with you at Onondaga, to instruct you in the Christian religion, and to drive away all sickness, plagues, and diseases out of your country." Though this proposition, which the French pressed with great urgency and address, was absolutely rejected, the peace brought them a deliverance from so much misery and fear, that, when a deputation of the sachems of the Five Nations arrived at Montreal to ratify the treaty, they were received with general acclamations of joy, and a salute from the artillery on the ramparts. The Indian allies of the French were highly offended with this demonstration of respect. "We perceive," they angrily observed, "that fear makes the French show more respect to their enemies, than love can make them do to their friends." Colden.

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NOTE VI. Page 254.

DENTON, whose description of New York was published in 1702, gives a very agreeable picture of the state of the province and its inhabitants at this period. — "I must needs say, that, if there be a terrestrial Canaan, 't is surely here. The inhabitants are blessed with peace and plenty; blessed in their country; blessed in the fruit of their bodies and the fruit of their grounds; blessed in their basket and in their store; in a word, blessed in whatsoever they take in hand or go about; the earth yielding plentiful increase to all their painful labor." — "Were it not to avoid prolixity, I could say a great deal more, and yet say too little, to show how free are these parts of the world from that pride and oppression, with their miserable effects, which many, nay, almost all, parts of the world are troubled with. There a wagon or cart gives as good content as a coach, and a piece of their home-made cloth pleases better than the finest lawns or richest silks; and though their low-roofed houses may seem to shut their doors against pride

and luxury, yet how do they stand wide open to let charity in and out, either to assist each other or to relieve a stranger! and the distance of place from other nations doth secure them from the envious frowns of ill-affected neighbours, and the troubles which usually arise thence."

What a contrast there is between this happy picture and the state of European society about the same period, as depicted by De Foe in the most celebrated of his romances!—"I saw the world busy around me; one part laboring for bread, and the other squandering it in vile excesses or empty pleasures":—"the men of labor spent their strength in daily strugglings for bread to maintain the vital power they labored with; so living in a daily circulation of sorrow; living but to work, and working but to live, as if daily bread were the only end of a wearisome life, and a wearisome life the only occasion of daily bread."

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NOTE VII. Page 274.

FROM the writings of the modern historians and apologists of Quakerism, we might be led to suppose that none of the Quakers who were imprisoned by the magistrates of England at this period were accused of aught else but the profession of their peculiar doctrinal tenets, or attendance at their peculiar places of worship. But very different accounts of the causes of their imprisonment have been transmitted by some of the sufferers themselves; and from the tenor of these, it is manifest that the only wrong which their authors sustained from the magistrates was, that they were committed to prison, instead of being confined in lunatic hospitals. One of the most remarkable of these compositions is the *Narrative of the Persecution of Solomon Eccles*, in the year 1659, written by himself, and dated from Newgate, where he describes himself as "a prisoner for the testimony of the Lord." This man, who was a Quaker, and a tailor in London, relates, that "It was clearly showed to me that I should go to the steeple-house in Aldermanbury the first day of the week then following, and take with me something to work, and do it in the pulpit at their singing-time." So, after much musing, "I purposed to carry with me a pocket to sew." He repaired to Edmund Calamy's chapel, and, watching his opportunity, with the proverbial dexterity of a Quaker, made his way into the pulpit. "I sat myself down upon the cushion, and my feet upon the seat where the priest, when he hath told out his lies, doth sit down, and, having my work ready, I pulled one or two stitches." When the people began to persecute him (i. e. to pull him down), he cared not if they had killed him, "for I was full of joy, and they were full of wrath and madness." He was carried before the mayor. "Then said he to me, 'Wherefore did



you work there?’ I said, ‘In obedience to the Lord’s commandment.’ He said it was a false spirit: and said he, ‘Where are your sureties?’ I said, the Lord was my security.” Accordingly, his *persecution* was consummated by a commitment to Newgate. “Now, *let all sober people judge* whether I did this thing out of envy against either priest or people. Yea, farther I say, the Lord lay it not to their charge who have said that I did it in malice, devilishness, and envy,” &c. &c. This singular narrative is republished in Howell’s *State Trials*.

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NOTE VIII. Page 280.

OF this diversity the following instance may serve as a specimen. When the statute against the Quakers began to be generally enforced, George Bishop, a man of some eminence among them, remonstrated against it in these terms: “To the king and both houses of parliament, *Thus saith the Lord*, Meddle not with my people because of their conscience to me, and banish them not out of the nation because of their conscience; for, if you do, I will send my plagues among you, and you shall know that I am the Lord. Written in obedience to the Lord, by his servant, G. Bishop.” Gough and Sewell. Very different was the remonstrance which William Penn addressed on the same subject to the king of Poland, in whose dominions a severe persecution was instituted against the Quakers. “Give us poor Christians,” said he, “leave to expostulate with thee. Suppose we are tares, as the true wheat hath always been called; yet pluck us not up for Christ’s sake, who saith, Let the tares and the wheat grow up until the harvest, that is, until the end of the world. Let God have his due as well as Cæsar. The judgment of conscience belongeth unto him, and mistakes about religion are known to him alone.” Clarkson’s *Life of Penn*.

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NOTE IX. Page 295.

It is not difficult to understand how a friendly intercourse originated between the leading persons among the Quakers and Charles the Second and his brother. The Quakers desired to avail themselves of the authority of the king for the establishment of a general toleration, and for their own especial defence against the enmity and dislike of their numerous adversaries. The king and his brother regarded with satisfaction the principles of non-resistance professed by these sectaries, and found in them the only class of Protestants who could be rendered instrumental to the design of re-establishing the faith and sway of the church of Rome by the pre-

paratory measure of a general toleration. But how the friendly relation thus created between the royal brothers and such men as Penn and Barclay should have continued to subsist uninterrupted by all the tyranny and treachery which the reigns of these princes disclosed is a difficulty which their contemporaries were unable to solve in any other manner than by reckoning the Quakers conscious votaries, instead of deluded instruments, of bigotry and arbitrary power. The more modern and juster, as well as more charitable, censure is, that they were the dupes of kingly courtesy, craft, and dissimulation. They hoped to make an instrument of the king; while he permitted them to flatter themselves with this hope, that he might avail himself of their instrumentality for the accomplishment of his own designs.

Perhaps, since the days when the prophets of Israel were divinely commissioned to rebuke their offending monarchs, no king was ever addressed in terms of more dignified admonition than Robert Barclay has employed in concluding the dedication of that erudite and ingenious work, his *Apology for the Quakers*, to Charles the Second. "There is no king in the world," he bids the monarch remember, "who can so experimentally testify of God's providence and goodness; neither is there any who rules so many free people, so many true Christians: which thing renders thy government more honorable; and thyself more considerable, than the accession of many nations filled with slavish and superstitious souls. Thou hast tasted of prosperity and adversity; thou knowest what it is to be banished thy native country and to be overruled, as well as to rule and sit upon the throne; and, being oppressed, thou hast reason to know how hateful the oppressor is both to God and man. If, after all these warnings and advertisements, thou dost not turn unto the Lord with all thy heart, but forget him who remembered thee in thy distress, and give thyself up to follow lust and vanity, surely, great will be thy condemnation." Yet, Charles gave himself up to lust and vanity without apprehending or experiencing any diminution of the regards of his Quaker friends; and the falsehood and cruelty that stained the conduct of both Charles and James rendered them hateful to all men except the Catholics and the Quakers. The tortures inflicted, by the orders and in the presence of James himself, on the Scottish Covenanters must have been perfectly well known to Barclay. But perhaps his sympathy with the sufferers was obstructed by the lamentable intolerance which many of these unfortunate victims of bigotry themselves displayed. There were few of them, who, even in the midst of their own afflictions, did not bequeath a dying testimony to their countrymen against the *sin of tolerating the blasphemous heresy of the Quakers*. See *The Cloud of Witnesses*, Woodrow's *History*, and other works illustrative of that period.

Of the cajolery that was practised by King James upon the Quakers I think a remarkable instance is afforded (very unintentionally) by Mr Clarkson, in his *Memoirs of William Penn*. In the

year 1688, Gilbert Latey, an eminent Quaker minister, having been presented by Penn to this prince, thanked him for his *Declaration of Indulgence* in favor of Quakers and other Dissenters; adding an expression of his hope, that, as the king had remembered the Quakers in their distress, so God might remember him in his distress. Some time after, when James, expelled from England, was endeavouring to make head against his adversaries in Ireland, he sent a message to Latey, confessing that the Revolution had approved him so far a prophet, inasmuch as the king had actually fallen into distress. But Latey was not satisfied with this partial testimony, and reminded James, that, as his life had been saved at the battle of the Boyne, the *prophecy* that had been addressed to him was entirely fulfilled.

The Quakers, notwithstanding Pope's imputation of *slyness* to them, have displayed amazing credulity in their intercourse with every tyrant who has thought it worth his while to caress them. Since the death of James the Second of England, no prince has gained a greater share of their good graces than the late Emperor Alexander of Russia, who, during his visit to England, accompanied a distinguished philanthropist of this persuasion to a Quaker meeting, and actually convinced some of the leading members of the society that he himself was *in heart a Quaker*.

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NOTE X. Page 303.

"THE truth is," said the accomplished grandfather of Queen Anne, "there is naturally that absence of the chief elements of Christian religion, charity, humility, justice, and brotherly compassion, in the very policy and institution of princes and sovereign states, that, as we have long found the civil obligations of alliance and marriage to be but trivial circumstances of formality towards concord and friendship, so those of religion and justice, if urged for conscience' sake, are equally ridiculous; as if only the individuals, not any state itself, were perfectly Christian. And I assure you, I have not been without many melancholy thoughts, that this justice of God, which of late years hath seemed to be directed against empire itself, hath proceeded from the divine indignation against those principles of empire which have looked upon conscience and religion itself as mere private, subordinate, and subservient faculties to conveniency and the interest of kingdoms, rather than duties requisite to the purchase of the kingdom of heaven. And therefore God hath stirred up and applied the people, in whom only princes thought it necessary to plant religion, to the destruction of principalities, in the institution whereof religion hath been thought unnecessary." Lord Clarendon's *Letters*.



## NOTE XI. Page 307.

GABRIEL THOMAS, the author of this pleasing little work (which is dedicated to Sir John Moore and Sir Thomas Lane, aldermen of London, and two of the principal proprietaries of West Jersey), was a Quaker, and the friend of Penn, to whom, at the same time, he dedicated a corresponding history of the province of Pennsylvania. His chief aim in writing he declares to have been to inform the laboring poor of Britain of the opportunity afforded to them, by those colonial settlements, of exchanging a state of ill-rewarded toil, or of beggarly and burdensome dependence, for a condition at once more useful, honorable, prosperous, and happy. "Now, reader," he thus concludes, "having no more to add of any moment or importance, I salute thee in Christ; and whether thou stayest in England, Scotland, Ireland, or Wales, or goest to Pennsylvania, West, or East Jersey, I wish thee all health and happiness in this, and everlasting comfort (in God) in the world to come. Fare thee well!"

## NOTE XII. Page 319.

THE following instance of the sensitiveness of the Quakers to the reputation of William Penn and his institutions I believe has never before been published, and I think deserves to be made known. When Winterbotham undertook the compilation of his *Historical, Geographical, Commercial, and Philosophical View of the American United States*, he was encouraged to pursue his labors by the assurance of numerous subscriptions, most of which were obtained from English Quakers. The authorities which he consulted on the subject of Pennsylvania gave him an insight into the lamentable dissensions that had occurred between the founder of this province and his Quaker colonists, and induced him to form an opinion unfavorable to the equity of Penn and to the moderation of both parties. The historical part of his account of Pennsylvania was accordingly written in a strain calculated to convey this impression. Unfortunately for him, this came to be known just when his work was ready for publication and delivery to the subscribers. The Quakers instantly withdrew their subscriptions; a step that involved Winterbotham in the most serious embarrassment. The unfortunate author (then a prisoner in Newgate for seditious expressions of which he is now generally acknowledged to have been innocent) applied to the late William Dillwyn, of Walthamstow, and, throwing himself on the humanity of this venerable man, implored his powerful intercession with the members of his religious fraternity. By his advice, Winterbotham consented to cancel the objectionable portion of the work; and, in the place of it, there was substituted a com-

position on the same subject from the pen of Mr. Dillwyn. A few copies of the work in its original state having got into circulation, there was added to the preface in the remaining copies an apology for the error into which the author declared that he had been betrayed with regard to the character of Penn and his colonists. The Quakers, on being apprized of this, complied at once with the solicitation of their respected friend, and fulfilled their engagements with Winterbotham. This anecdote was related to me by Mr. Dillwyn himself. The composition which this excellent person thus contributed to Winterbotham's publication is characterized by his usual mildness and indulgence. Without denying the existence of unhappy dissensions in Pennsylvania, he suggests reasons for supposing that they originated in mutual misapprehension, and were neither violent nor lasting. An apologetical vein pervades the whole piece, of which the only fault is, that (unlike the generality of Quaker productions) it is a great deal too short. Mr. Dillwyn was a native of New Jersey, and had devoted much attention to the history of America. He has been celebrated (along with his friend and coadjutor in exertions to promote human liberty and happiness, Robert Grahame of Whitehill, father of the author of this *History*) in Clarkson's *History of the Abolition of the Slave-trade*.

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NOTE XIII. Page 322.

BISHOP BURNET relates, that Penn, in alluding to the executions of Mrs. Gaunt and Alderman Cornish, which he had attended as a spectator, said that "the king was greatly to be pitied!" and endeavoured to palliate his guilt, by ascribing his participation in these and other atrocities to the influence that Jeffries had acquired over his mind. Unfortunately for the credit of this miserable apology, the king was not under the influence of Jeffries when he ordered and witnessed the infliction of torture on the Covenanters in Scotland; and the disgrace into which Jeffries fell shortly before the Revolution, for refusing to gratify the king by professing the Catholic faith, and pretending to keep a corner of his conscience sacred from the royal dominion, shows how voluntary and how limited the king's pretended subjection to him truly was. It is related in the diary of Henry, Lord Clarendon, that Jeffries expressed his uneasiness to this nobleman at the king's impetuosity and want of moderation. When Jeffries was imprisoned in the Tower at the Revolution, he assured Tutchin (one of his victims, who came to visit and exult over him), that, on returning from his bloody circuit in the West of England, he had been "snubbed at court for being too merciful." Kirke, in like manner, when reproached with his cruelties, declared that they had greatly fallen short of the letter of his instructions.

For the credit of Penn's humanity, it may be proper to observe,

that it was common, in that age, for persons of the highest respectability (and, among others, for noblemen and ladies of rank, in their coaches) to attend executions, especially of remarkable sufferers. See various passages in that learned and interesting work, Howell's *State Trials*.

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NOTE XIV. Page 330.

COLONEL NICHOLSON, an active agent of the crown both before and after the English Revolution, who held office successively in many of the colonies, and was acquainted with the condition of them all, in a letter to the Board of Trade, in 1698, observes, that "A great many people of *all the colonies*, especially in those under proprietaries, think that no law of England ought to be binding on them, without their own consent; for they foolishly say, that they have no representatives sent from themselves to the parliament of England; and they look upon all laws made in England, that put any restraint upon them, to be great hardships." *State Papers, apud Chalmers*. It was probably in reference to the reports of Colonel Nicholson, that the Lords of Trade, writing to Lord Bellamont in the year 1701, caution him to watch and curb "the humor that prevails so much in proprietary and charter governments,"—adding, that "*the independency they now thirst after is so notorious*, that it has been thought fit those considerations, together with other objections against these colonies, should be laid before the parliament." Belknap.

In the introduction to the historical work of Oldmixon (who boasts of the assistance and information he received from William Penn) we find this remarkable passage:—"The Portuguese have so true a notion of the advantage of such colonies, that, to encourage them, they admit the citizens of Goa to send deputies to sit in the assembly of the Cortes. And if it were asked, why our colonies have not their representatives, who could presently give a satisfactory answer?" In the year 1809, during the struggle which the Spaniards were maintaining against the usurpation of the Emperor Napoleon, a proposal was broached in the Spanish councils that "the colonies be represented, as an integral part of the empire," in the organs of authority within the parent state. This idea was subsequently realized to a certain extent, when the Spanish Cortes was convoked. Napier's *History of the War in the Peninsula*.

An extension of the right of electing members of parliament to a part of the realm which had not been previously represented there occurred in the thirty-fifth year of the reign of Henry the Eighth. The inhabitants of the county palatine and city of Chester complained, in a petition to the king, "that, for want of knights



and burgesses in the court of parliament, they sustained manifold damages, not only in their lands, goods, and bodies, but in the civil and politic governance and maintenance of the commonwealth of their said county; and that, while they had been always bound by the acts and statutes of the said court of parliament, the same as other counties, cities, and boroughs, that had knights and burgesses in the said court, they had often been touched and grieved with acts and statutes, made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of the said county palatine, as prejudicial unto the commonwealth, quietness, and peace of his Majesty's subjects." They proposed, as a remedy, "that it would please his Highness, that it be enacted, with the assent of the lords spiritual and temporal and the commons in parliament assembled, that, from the end of the session, the county palatine shall have two knights for the said county, and likewise two citizens to be burgesses for the city of Chester." The complaint was thought just and reasonable, and the petitioners were admitted to send representatives to parliament.

Various instances of similar proceedings occurred in the reigns of this monarch's successors,—Edward the Sixth, Mary, and Elizabeth; the latter of whom created twenty-four new boroughs in England. In the reign of Edward the Sixth, a writ was directed to the inhabitants of Calais, requiring the return of a member of parliament for that town.

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NOTE XV. Page 353.

In the year 1684, there was published, by one of these emigrants, *The Planter's Speech to his Neighbours and Countrymen of Pennsylvania*; a composition which reminds us of some of the productions of the early colonists of New England. "The motives of your retreating to these new habitations," says this writer, "I apprehend (measuring your sentiments by my own) to have been,—

"1st. The desire of a peaceable life, where we might worship God and obey his law with freedom, according to the dictates of the divine principle, unencumbered with the mouldy errors occasioned by the fierce invasions of tradition, politic craft, and covetous or ambitious cruelty.

"2d. That we might here, as on a virgin Elysian shore, commence or improve such an innocent course of life, as might unload us of those outward cares, vexations, and turmoils, which before we were always subject unto from the hands of self-designing and unreasonable men.

"3d. That, as Lot, by flying to little Zoar, from the ungodly company of a more populous and magnificent dwelling, we might avoid being grieved with the sight of infectious as well as odious

examples, of horrid swearings, cursings, drunkenness, gluttony, uncleanness, and all kinds of debauchery, continually committed with greediness; and also escape the judgments threatened to every land polluted with such abominations.

"4th. That, as trees are transplanted from one soil to another to render them more thriving and better bearers, so we here, in peace and secure retirement, under the bountiful protection of God, and in the lap of the least adulterated nature, might every one the better improve his talent, and bring forth more plenteous fruits, to the glory of God, and public welfare of the whole creation.

"5th. And lastly, that, in order hereunto, by our holy doctrine, and the *practical teachings* of our exemplary abstemious lives, transacted in all humility, sobriety, plainness, self-denial, virtue, and honesty, we might gain upon those thousands of poor dark souls scattered round about us (and commonly, in way of contempt and reproach, called *heathens*), and bring them not only to a state of civility, but real piety; which, effected, would turn to a more satisfactory account, than if, with the proud Spaniards, we had gained the mines of Potosi." "These thoughts, these designs, my friends, were those that brought you hither; and so far only as you pursue and accomplish them, you obtain the end of your journey." "Our business, therefore, here in this new land, is not so much to build houses and establish factories, and promote trade and manufactures that may enrich ourselves (though all these things in their due place are not to be neglected), as to erect temples of holiness and righteousness, which God may delight in." Among other advices which this writer proceeds to communicate, he recommends not only the refraining from all wanton waste of inferior animal life, but a total abstinence from animal food. Proud.

Such, says Proud, the historian of this province, were the views and motives of those who undertook the settlement of Pennsylvania. "But all things have their time; and both kingdoms and empires, as well as smaller states and particular persons, must die: *finis ab origine pendet*. Yet folly often shortens their duration, as wisdom and virtue prolong their more happy existence." Ibid. This last observation reminds us of the celebrated maxim of the Jewish Rabbi, Jochonan Hassandalar, who lived under the reign of the Emperor Adrian, — that every commonwealth formed in the fear of God flourisheth; for virtue is the life and bond of society, while vice ruins and dissolves it.

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NOTE XVI. Page 400.

Of the condition in which Penn continued to linger for a number of years before his death an interesting picture is given by Thomas Story, the Quaker (whose account of the yellow fever at Phila-

delphia, in 1699, I have already noticed), who, arriving from America in 1713, paid a visit to all that remained of his venerable friend. "He was then," says Story, "under the lamentable effects of an apoplectic fit which he had had some time before; for his memory was almost quite lost, and the use of his understanding suspended, so that he was not so conversable as formerly, and yet as near the truth, in the love of it, as before; wherein appeared the great mercy and favor of God, who looks not as man looks. For though to some this accident might look like judgment, and no doubt his enemies so accounted it, yet it will bear quite another interpretation, if it be considered how little time of rest he ever had from the importunities of the affairs of others, to the great hurt of his own, and suspension of all his enjoyments, till this happened to him, by which he was rendered incapable of all business, and yet sensible of the enjoyment of truth as at any time in all his life. When I went to the house, I thought myself strong enough to see him in that condition; but when I entered the room, and perceived the great defect of his expressions from want of memory, it greatly bowed my spirit under a consideration of the uncertainty of all human qualifications, and what the finest of men are soon reduced to by a disorder of the organs of that body with which the soul is connected and acts during this present mode of being. When these are but a little obstructed in their various functions, a man of the clearest parts and finest expression becomes scarcely intelligible. Nevertheless, no insanity or lunacy at all appeared in his actions; and his mind was in an innocent state, as appeared by his very loving deportment to all that came near him. And that he had still a good sense of truth is plain by some very clear sentences he spoke in the life and power of truth in an evening meeting we had together there, wherein we were greatly comforted; so that I was ready to think this was a sort of sequestration of him from all the concerns of this life, which so much oppressed him, not in judgment, but in mercy, that he might have rest, and not be oppressed thereby to the end." Clarkson. Yet some writers have asserted, that, at this very time, Penn was engaged with the Jacobites in concerting plots in behalf of the Pretender. This allegation appeared the more plausible, as proceeding from the State Papers (published by Macpherson) of Nairne, an under secretary at the Pretender's court; although the statements in these papers are founded entirely on the reports sent to France by two obscure Jacobite spies in England.

William Penn lingered in this condition till the 30th of July, 1718, when he closed his long and laborious life. This event, though for many years expected, was deeply bewailed in Pennsylvania; and the worth of Penn honorably commemorated by the tardy gratitude of his people. Proud.



## NOTE XVII. Page 409.

“THE British nation, renowned through every age, never gained by all her conquests, even when her arms subdued France and thundered at the gates of Paris, such a valuable acquisition as her settlements in North America. To lawless power, to faction, and to party rage, these spreading colonies owed their firmest establishment. When the mother country was in the most deplorable situation, when the axe was laid to the root of the constitution, and all the fair blossoms of civil liberty were destroyed,—even then, from the bare trunk, despoiled of all its honors, shot forth these branches, as from a stock where native vigor was still kept alive.” Wynne, *Introduction*.

A few such animated sentences as these, together with a compilation of statistical details from the numerous publications respecting America that issued from the English press shortly prior to the War of Independence, constitute the whole merit of the first part of Wynne's *History*. This writer is distinguished above every other historian with whose works I am acquainted, for the depth of his ignorance and the height of his presumption, for the monstrous inaccuracy of his statements and the folly and absurdity of his speculations. Among a numerous host of similar blunders, he describes the delusion of the New England witchcraft as one of the causes that led to the concession of the charter of Connecticut; he imputes the replenishment of North America to the enforcement of the penal laws against Dissenters by James the Second; and he congratulates England on the conquest of Canada, as an event that excluded the interposition of France in the approaching struggle with the North American colonies. But the charter of Connecticut was granted more than thirty years before the occurrence which he represents as having produced it; James the Second excited the displeasure and fears of his subjects, not by enforcing, but by unconstitutionally suspending, the penal laws against Dissenters; and the conquest of Canada not only accelerated the Revolutionary War, but insured the participation of France in it against England. He represents Colonel Dongan as having been governor of Massachusetts; and relates (with superfluous regret) that William Penn died in prison. Yet, in strains of most ridiculous superiority and condescension, he declares the purpose of his work to have been the reconciliation of England and her colonies, by dissipating that mutual ignorance in which he supposes their disputes to have originated. Dark indeed must have been the ignorance that exceeded his own.

The same remarks do not apply (or if so, far less forcibly) to the second part of Wynne's *History*,—which, whether from greater attention or from access to better materials, displays so much of accuracy and good sense, that it is not easy to believe the whole work to have been the composition of the same author.

## NOTE XVIII. Page 412.

"It is remarkable," says a distinguished modern statesman and philosopher, "how exactly the history of the Carthaginian monopoly resembles that of the European nations who have colonized America. At first, the distant settlement could admit of no immediate restraints, but demanded all the encouragement and protection of the parent state; and the gains of its commerce were neither sufficiently alluring to the Carthaginian merchant from their own magnitude, nor necessary to him from the difficulty of finding employment for his capital in other directions. At this period, the colony was left to itself, and was allowed to manage its own affairs in its own way, under the superintendence and care of Carthage, which protected it from foreign invasion, but neglected its commerce. In this favorable predicament, it soon grew into importance; some of the Carthaginian merchants most probably found their way thither, or promoted the colonial speculations by loans; at any rate, by furnishing a ready demand for the rude produce.

"In this stage of its progress, then, we find the colony trade left free; for the first of the two treaties, prohibiting all the Roman ships of war to approach within a certain distance of the coast, allows the trading-vessels free access to all the harbours both of the continent and the colonies. This intercourse is even encouraged with the port of Carthage, by a clause freeing the vessels entering from almost all import duties. The treaty includes the Roman and Carthaginian allies; by which were probably meant their colonies, as well as the friendly powers; and the clause, which expressly includes the colony of Sicily, gives the Romans all the privileges in that island which the Carthaginians themselves enjoyed. At this period, it is probable that the commerce of Rome excited no jealousy, and the wealth of the colonies little avarice; although a dread of the military prowess of the former seems to have given rise to the negotiation.

"Some time afterwards, another treaty, conceived in a different spirit, and formed exactly upon the principles of the mercantile system, was concluded between those celebrated rival powers. The restrictions upon the navigation of the Roman ships of war are here extended and enforced; the freedom of entry into the port of Carthage is continued, and into the ports of Sicily also; the Romans granting to the Carthaginians like privileges at Rome. But the Romans are debarred from plundering, trading, or settling (a singular conjunction) upon the coast of Africa Propria, which was peopled by Carthaginian colonies, and furnished large supplies of provisions and money to the city. The same restriction is extended to Sardinia; and trading-vessels are only permitted to enter the harbours of that colony for the space of five days, to refit, if driven thither by stress of weather. A singular clause is inserted, to which close analogies may be traced in the modern questions of neutral rights and contra-

band of war ;—if any Roman troops shall receive stores from a Carthaginian port, or a port in the provincial territories of the state, they are bound not to turn them against either the republic or her allies.

“The substance of this very singular document will suggest various reflections to my readers. I shall only observe, that we find in it the principles of the modern colonial system clearly unfolding themselves ; and that we have every reason to regret the scantiness of our knowledge of the Carthaginian story, which, in so far as relates to the commerce of that people, breaks off here, and leaves us no trace of the farther restrictions most probably imposed by succeeding statesmen upon the growing trade of the colonies.” Brougham’s *Inquiry into the Colonial Policy of the European Powers*.

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NOTE XIX. Page 415.

THE most admirable and interesting of the British settlements in North America, and in an especial degree the provinces of New England, owed their social formation and earliest domestic guardianship to men devoted to the cultivation of piety, virtue, and all ennobling and humanizing knowledge. Such national parentage inevitably tended to the nurture and propagation of democratical spirit and authority ; a circumstance which must be propitious or unhappy to America (and consequently to all the world) in proportion to the preservation and spread, or the neglect and restricted operation, of the principles from which it originated. As democracy, in alliance with religion, morality, and liberal education, may be the greatest political blessing that human societies can receive ; so, united with impiety, profligacy, and ignorance, it must exert an instrumentality at once injurious to the true interests and disgusting to the sound judgment and good taste of mankind. From the example of various national societies, both ancient and modern, in which the principles of aristocracy have prevailed, it has been too rashly deduced, that the mass of mankind, in all numerous and civilized communities, *must* necessarily be corrupt, gross, ignorant, and depraved. It remains for America (and God grant it be her happy destiny !) to teach a different and nobler lesson to the world. The recent institutions of infant schools, which have so wonderfully contributed to render the imitative disposition of children subservient to their moral and intellectual advancement, and the improvements in charitable practice illustrated in the writings of Tuckerman and Channing of Massachusetts, if diligently and generally prosecuted, appear sufficient to intercept the growth, or extinguish the prevalence, in social life, of the worst evils of poverty and of all the debasing principles of artificial aristocracy. The condition of the poorer classes of



society, demanding that their education should commence at an age, which, among the wealthier classes, is generally reckoned unsusceptible of culture, and should be administered to large numbers of them together, was long accounted unpropitious to the diffusion of knowledge among them. But the genius of benevolence has recently discovered, in these very circumstances, a principle peculiarly promotive of the efficacy and the best effects of education. It may be hoped that this genius, in alliance with the true interests of democracy, will discern and exemplify (as no government is more fitted than a democratical one to do) the advantage of rendering the acquisition of the elements of education legally compulsory on every citizen of the commonwealth. "Knowledge," said the illustrious Washington, in his first address to congress as president of the United States, "is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential."

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NOTE XX. Page 422.

A good deal of irritation was excited in America, in the beginning of the eighteenth century, by a discussion that took place in parliament with regard to a project for the employment of felons in the royal dock-yards of England. A bill for this purpose was passed by the House of Commons, but rejected by the House of Lords, as tending to discredit his Majesty's service in the dock-yards. This was commented on with just displeasure by an American journalist, of whose lucubrations some specimens have been preserved in Smith's *History of New York*. By making felony a passport to the advantages of an establishment in America, says this writer, the number of criminals is multiplied in England; and the misery of the industrious poor is aggravated by the discredit attached to the only certain means of improving their condition. He maintains that this policy is at once mischievous and insulting to the colonial settlements; and that it would be much less injurious, and not more unjust, to burden them with the support of all the decrepit or lunatic paupers in England. "There are thousands of honest men," he continues, "laboring in Europe at fourpence a day, starving in spite of all their efforts, a dead weight to the respective parishes to which they belong; who, without any other qualifications than common sense, health, and strength, might accumulate estates among us, as many have done already. These, and not the felons, are the men that should be sent over for the better peopling the plantations."

## NOTE XXI. Page 424.

FROM the time when one of the earliest assemblies of North Carolina prohibited the inhabitants of that province from accepting commissions to sue for debts due to foreigners, down to the present day, the North Americans have been charged with deficiency of strict and honorable justice in their commercial policy, especially with regard to the interests of creditors and payment of debts. To a certain extent, the reproach is doubtless well founded. But those who have endeavoured to account for it, by supposing that the commercial morality of the Americans was tainted by the frauds incident to the Indian trade, have assigned neither the most honorable nor the most ample and satisfactory explanation, — which may be derived, I think, partly from the circumstances mentioned in the text, and partly from the popular sources and consequent bias of American legislation. The majority of every people are debtors, or at least more akin to the condition of debtors than of creditors; and hence, when the majority rule, the interests of creditors are rather reluctantly protected than cordially aided by the laws. In an aristocracy, where legislation is in the hands of a few, and these few are more akin to the class of creditors than of debtors, the pervading policy of commercial law is precisely the reverse. Men are always much more prone to prescribe than to practise wisdom and virtue. When the many rule, they legislate mainly for themselves, and are governed chiefly by considerations of self-interest, which are often illiberal and short-sighted. When the few rule, then men are legislating for others; and however self-interested the legislators may be, they are willing enough to acquire a cheap credit by imposing on their fellow-citizens the most strictly upright and honorable regulations. It is then that the sentiments of creditors give the tone to commercial legislation, and that the duties of debtors are most strictly unfolded and enforced by law. In human society, evil is often overruled to the production of good, and good perverted to the production of evil. The condition of the inhabitants of North America is eminently fraught with good; and only the controlling and purifying influence of strong Christian principle can exempt them from a proportional share of those abuses that constitute the guilt and the penalty of benefits irreligiously enjoyed.

END OF VOLUME II.

















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